

2005

## 2005 Legislative Summary

Assembly Committee on Local Government

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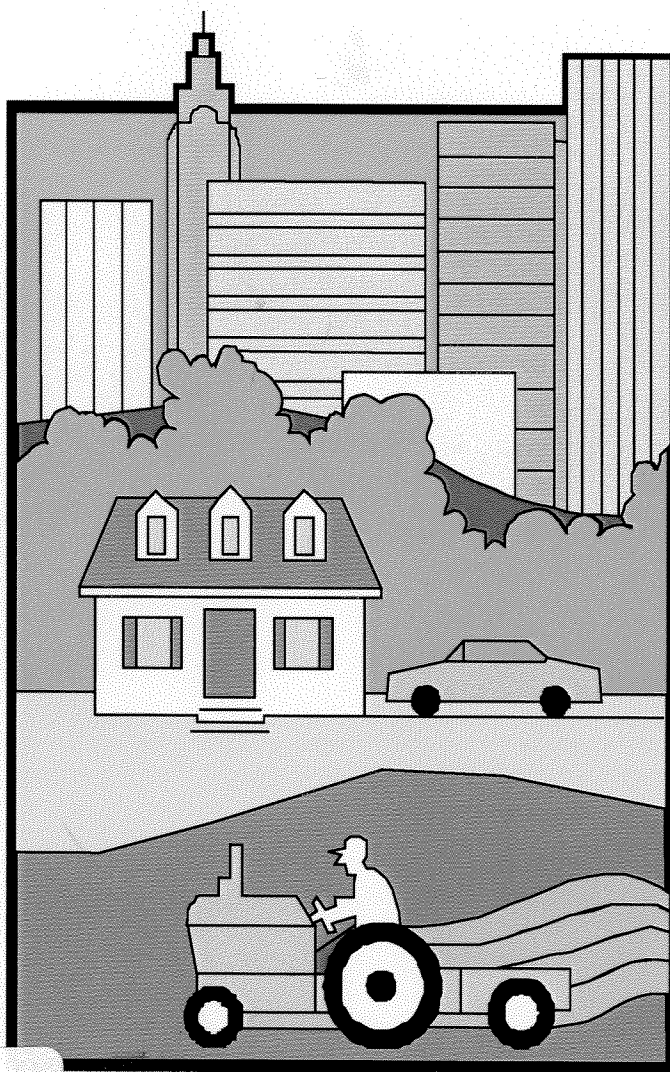
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# 2005 LEGISLATIVE SUMMARY

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# Assembly California Legislature Committee on Local Government

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October 28, 2005

## TO ALL INTERESTED PARTIES:

From the perspective of the Assembly Committee on Local Government, the work of the California Legislature in 2005 was significantly affected by the distraction of the Governor's special election and its attendant maneuverings and squabbles. The overall volume of legislation was down. The combination of the ongoing deficits in the State Budget and the aftereffects of the passage of Proposition 1A in 2004 meant that both the volume and scope of legislation pertaining to fiscal issues were markedly reduced. Issue areas such as affordable housing and Smart Growth were also less frequently before the Committee. Many bills were either withdrawn or turned into two-year legislation. Others passed out of the Committee but failed to make it either out of the Legislature or past the Governor's veto.

Despite these factors, the Committee still dealt with a number of significant bills in 2005. As a result of the release of the Legislative Analyst's study of the use of design-build contracting by public agencies and the subsequent lifting of the moratorium on design-build legislation, a number of bills on the issue came before the Committee, three of which (AB 1511 (Evans), SB 287 (Cox), and AB 1329 (Wolk)) were passed and signed. The first two of these bills authorize a total of 23 additional counties to use this system of contracting, while the last extends the authorization to the cities in Yolo and Solano Counties. The Committee addressed issues of ethics and compensation for elected officials in AB 1234 (Salinas) and AB 11 (De La Torre). Anti-NIMBY Law was strengthened by SB 575 (Torlakson). Finally, a wide range of bills dealt with the governance and financing of California's myriad special districts.

The following report summarizes legislation referred to the Committee during the 2005 legislative year, and indicates its current status. The report is divided into five categories: land use and housing, local government finance, local powers and duties, open meetings and conflict of interest, and special districts. Bills marked with an asterisk (\*) were amended and subsequently utilized as vehicles for other bill proposals, some of which stayed within the Committee's jurisdiction.

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# ASSEMBLY LOCAL GOVERNMENT COMMITTEE

## 2005 LEGISLATIVE SUMMARY

*(Bills marked with an asterisk (\*) were amended and subsequently utilized as vehicles for other bill proposals, some of which stayed within the Committee's jurisdiction.)*

### LAND USE AND HOUSING

**AB 14 (Harman)**      **Property tax: subdivisions: separate assessments and valuations.**  
Prohibits an assessor from assigning any parcel numbers or preparing a separate assessment or separate valuation to divide any existing residential structure into a subdivision, until state and local requirements have been complied with.  
**Status:** Chapter 281, Statutes of 2005

**AB 266 (DeVore)**      **Large family day care homes: permits.**  
Prohibits cities and counties from requiring an up-front deposit for the review and processing of a conditional use permit for a large family day care home, limits the scope of that review, and requires a city or county to provide verification of fees charged for review and processing of applications. **Status:** *In Assembly Local Government Committee: hearing postponed by committee.*

**AB 350 (Matthews)**      **Jobs-housing opportunity zones.**  
Authorizes cities and counties to create infrastructure financing districts in designated jobs-housing opportunity zones to finance public facilities in the five-county Inter-Regional Partnership area of Northern California. **Status:** *In Senate Local Government Committee: hearing postponed by committee.*

**AB 486 (Leslie)**      **Urban open space and recreation.**  
Allows urbanized counties, as defined, to compete along with cities and recreation and park districts in urbanized areas for the percentage of moneys available under the Roberti-Z'Berg-Harris Urban Open-Space and Recreation Program (RZH) for grants on a project-by-project basis and on the basis of need for the acquisition or development of, or special major maintenance of, recreational lands and facilities, or for innovative recreation programs.  
**Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 549 (Salinas)**      **Affordable housing.**  
Establishes a pilot program as an alternative means of determining whether a housing element substantially complies with these provisions by establishing an affordable housing requirement if specified conditions are met by a city, county, or city and county. The bill would require a city, county, or city and county that adopts an alternative production-based certification of its housing element to submit a certification of compliance to the department within 10 days of the adoption of the final draft and to meet other specified criteria, including an unspecified

percentage of the jurisdiction's share of the regional housing need for very low, low-, and moderate-income households, as specified. **Status:** *In Assembly Local Government Committee: hearing postponed by committee.*

**AB 623 (Gordon)          Redevelopment: Los Angeles Air Force Base.**

Authorizes the legislative bodies of communities located in Los Angeles County to adopt ordinances to expend their tax-increment moneys outside of their territorial jurisdiction to implement the Los Angeles Air Force Base Retention Program through the formation of a separate joint powers entity, as specified. **Status:** *Referred to Assembly Local Government Committee.*

**AB 648 (Jones)          Development projects: disclosure requirements.**

Requires an applicant for a development permit to provide the identity of the persons or entities that will own, lease, or occupy the project, if that identity is known to the applicant at the time of the application.

**Status:** Vetoed

**AB 691 (Hancock)          Transit village plans.**

Permits a city, county, or city and county to declare any specific plan or redevelopment plan adopted prior to January 1, 2006, that conforms to the requirements set forth in the Transit Village Development Planning Act of 1994 (TVDPA), as amended by AB 1320 (Dutra), Chapter 42, Statutes of 2004, a transit village plan (TVP) if that entity makes findings and declarations demonstrating the conformity of the existing plan to TVDPA, and takes action prior to December 31, 2006, to declare that the conforming plan constitutes its TVP.

**Status:** Chapter 309, Statutes of 2005

**AB 712 (Canciamilla)          Land use: density.**

Modifies the circumstances that trigger the requirement that a local government make a housing density reduction finding.

**Status:** Vetoed

**AB 802 (Wolk)          Land use: water supply.**

Requires local governments to include flood management in the conservation element of their general plans. **Status:** *Read third time, passage refused. Reconsideration granted.*

**AB 939 (Mullin)          Redevelopment.**

Expands the area where an eligible housing development may be located to include within ½ mile of San Francisco Bay Area Rapid Transit District stations located within San Mateo County and within ½ mile of that portion of El Camino Real located within San Mateo County. Limits the maximum amount of pooled housing funds that may be used to purchase property to the equivalent of 80% of the appraised value of the property to be purchased.

**Status:** *Referred to Assembly Committees on Housing and Community Development and Local Government. In Housing and Community Development Committee: hearing postponed by committee.*

**AB 986 (Torrico) Transit oriented development.**

Would require the joint policy committee to prepare a plan identifying regional priority transit oriented development zones for the San Francisco Bay Area region. The report would be reviewed and approved by the Metropolitan Transportation Commission and the executive board of the Association of Bay Area Governments and submitted to the Legislature by January 1, 2007. **Status:** *Re-referred to Assembly Local Government Committee.*

**AB 1020 (Hancock) Planning: smart growth models.**

Would require certain federally designated metropolitan planning organizations and certain state-designated regional transportation planning agencies to develop and implement improved regional travel models incorporating smart growth concepts and to undertake other related planning activities, thereby imposing a state-mandated local program. The bill would require the department to provide all necessary financial assistance to these agencies. The bill would require all transportation models used by state or regional agencies to be usable on personal computers and to be made available to the public. The bill would enact other related provisions. **Status:** *Referred to Assembly Committees on Transportation and Local Government. In Transportation Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1205 (Blakeslee) Development project fees: protests.**

Allows an individual to bring an "as applied" challenge to exactions imposed on a development project even though a "facial" challenge to the ordinance establishing the exactions was not filed. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1227 (Torrico) Housing: discrimination.**

Adds "continuing care retirement community" to the definition of "residential development" for purposes of banning prohibition or discrimination against such communities for specified reasons by local agencies until January 1, 2009.  
**Status:** Vetoed

**AB 1233 (Jones) Housing element: regional housing need.**

Requires that any portion of a local government's share of the regional housing need that remains unprovided for at the end of one planning period be carried over into, and provided for through zoning or rezoning in, the subsequent planning period.  
**Status:** Chapter 614, Statutes of 2005.

**AB 1352 (Bogh) Redevelopment: transfer of funds.**

Allows two redevelopment agencies, as specified, to adopt a resolution for the purpose of pooling housing funds. **Status:** *In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author.*

**AB 1367 (Evans) General plans: regional housing need.**

Prohibits a state, local, or regional agency, or any other governmental entity from enacting regulations applicable to a city or county's fair share of the regional housing need that are

contrary to the land use determinations made in compliance with locally adopted land use initiatives. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1421 (Laird) Water supply projects: Monterey Peninsula Water Management District.\*** Prioritizes a new water supply that would be developed within the boundaries of the Monterey Peninsula Water Management District or provided to the water district for affordable housing. **Status:** *In Senate Natural Resources and Water Committee: set, second hearing. Hearing canceled at the request of author. Amended and re-referred to Committee on Environmental Quality.*

**AB 1450 (Evans) Land use: density bonus.** Requires that units targeted for moderate-income households as part of a housing development receiving a density bonus be affordable at a rent that does not exceed 30% of 120% of the area's median income, and creates requirements for the continued affordability and resale of these units. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1457 (Baca) State property: transfer restrictions: City of San Bernardino.** Authorizes the City of San Bernardino to transfer Seccombe Lake Park to the Redevelopment Agency of the City of San Bernardino in exchange for replacement park land elsewhere. **Status:** *In Senate Natural Resources and Water Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1460 (Umberg) Subdivisions: release of performance security.** Creates time limits and procedures by which a local government must either notify a subdivider or contractor of any incomplete performance or unsatisfactory work or release the security given for faithful performance of the act or agreement. **Status:** Chapter 411, Statutes of 2005

**AB 1491 (Calderon) Redevelopment: low- and moderate-income housing.** Authorizes a city, incorporated to promote commerce and industry, located in the County of Los Angeles, and that has no residentially zoned land within its boundaries, to transfer the specified amount to a public entity located outside the same described city and to the housing authority or only to the authority if the additional conditions are met. The bill would also repeal the above described transfer of land requirement. **Status:** *Referred to Assembly Committees on Housing and Community Development and Local Government.*

**AB 1690 (Laird) Municipal services: University of California: Legislative Analyst.** Requires the Legislative Analyst's Office, in collaboration with other entities, to conduct a review of the planning processes used by the University of California. **Status:** Vetoed

**AB 1702 (Frommer)      Housing: use by right.\***

Defines the phrase "use by right" to mean use that does not require a conditional use permit or other discretionary permit for a planned unit development, except as specified.

*Status: Referred to Assembly Committees on Local Government and Housing and Community Development. Amended and re-referred to Committee on Transportation.*

**AB 1746 (Committee on Local Government)      Local government reorganization.**

Makes several minor and non-controversial changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Status: Chapter 347, Statutes of 2005**

**AJR 7 (Huff)      ZIP Codes.**

Urges the United States Postmaster to create ZIP Codes that do not encompass more than one municipality.

**Status: Res. Chapter 58, Statutes of 2005**

**SB 44 (Kehoe)      General plans: air quality element.**

Requires all cities and counties to either add an air quality element to their general plans or amend the appropriate elements of their general plans to include data and analysis, comprehensive goals, policies, and feasible implementation strategies intended to contribute to and complement other local, regional, state, and federal strategies to improve air quality by specified dates. *Status: Read third time. Refused passage. Motion to reconsider on next legislative day made by Assembly Member Pavley.*

**SB 49 (Machado)      Land conservation contracts.**

Requires the county assessor to review the current valuation of Williamson Act contracted land upon request of either the landowner or the Department of Conservation if the county assessor determines that additional information submitted by the requesting party may have a material effect on the valuation of the property. It also makes several other technical amendments to SB 1820 (Machado), Chapter 794, Statutes of 2004.

**Status: Chapter 245, Statutes of 2005**

**SB 53 (Kehoe)      Redevelopment.**

Requires redevelopment plans to contain a description of the agency's program to acquire real property by eminent domain, including prohibitions, if any, on the use of eminent domain, and a time limit for the commencement of eminent domain proceedings.

*Status: From committee with author's amendments. Read second time. Amended. Re-referred to committee.*

**SB 169 (Migden)      Historic preservation: Saint Brigid Church.**

Exempts Saint Brigid Church in San Francisco from existing law prohibiting local governments from extending historical landmark status to noncommercial property owned by a religiously affiliated organization. *Status: Placed on Inactive File on request of Assembly Member Frommer.*

**SB 223 (Torlakson)      Infill housing.**

Establishes the Job-Center Housing Planning Program within the Department of Housing and Community Development to provide revolving loans for the adoption of specific plans for infill development. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held in committee and under submission.*

**SB 253 (Torlakson)      Housing.**

Makes a number of technical, non-controversial changes to statutes that relate to housing. **Status:** **Chapter 595, Statutes of 2005**

**SB 326 (Dunn)              Land use: housing elements.**

Amends the conditions that require local approval, without conditional use permits, of housing development.

**Status:** **Chapter 598, Statutes of 2005**

**SB 365 (Ducheny)          Affordable housing. \***

States that sections of the Planning and Zoning Law pertaining to multifamily residential development and provision of water to affordable housing developments apply to charter cities.

**Status:** *Read third time. Amended and re-referred to Assembly Natural Resources Committee.*

**SB 409 (Kehoe)            General plans: conservation element.**

Requires that the water resources portion of a general plan's conservation element be correlated with the land use element. **Status:** *Referred to Assembly Committees on Local Government and Water, Parks and Wildlife. In Water, Parks and Wildlife: set, first hearing. Failed passage in committee. Reconsideration granted.*

**SB 435 (Hollingsworth) Housing: density bonuses**

Makes clarifying and cleanup changes to density bonus law.

**Status:** **Chapter 496, Statutes of 2005**

**SB 521 (Torlakson)      Local planning: transit village plans.**

Requires a transit village plan to include a transit station and a parcel, at least 1/2 of which is within not more than 1/4 mile of the exterior boundary of the parcel on which the transit station is located. Defines an economic condition of blight for purposes of the Community Redevelopment Law to include the lack of high density development within a transit village development district and would specify requirements to be met by a local agency that relies on this condition to redevelop a project area that is also a transit village development district.

**Status:** *Referred to Assembly Committees on Housing and Community Development and Local Government.*

**SB 575 (Torlakson)      Housing development projects.**

Makes substantial changes to the exemptions and enforcement provisions of the Anti-NIMBY ("not in my backyard") Law.

**Status:** **Chapter 601, Statutes of 2005**

**SB 655 (Ortiz)                      Asbestos**

Establishes the Asbestos Hazards Mapping Act and requires the California Environmental Protection Agency (Cal EPA) to convene an asbestos mitigation task force.

**Status:** *Read third time. Refused passage. Motion to reconsider on next legislative day made by Assembly Member Ruskin.*

**SB 674 (Perata)                      Oakland Army Base Public Trust Exchange Act.**

Grants the state's sovereign interest in certain trust lands within the former Oakland Army Base (OAB), and in other lands comprising OAB redevelopment property, to the Oakland Base Reuse Authority.

**Status:** Chapter 664, Statutes of 2005

**SB 926 (Florez)                      Sewage sludge management.**

Authorizes the Kern County Board of Supervisors to regulate or prohibit the importation of sewage sludge from another California county for land application purposes, with certain exceptions. **Status:** *Read second time. Amended. Rereferred to Assembly Local Government Committee.*

**SB 927 (Lowenthal)                  General plans: transportation element.**

Renames the circulation element in local general plans as the transportation element.

**Status:** *Referred to Assembly Committees on Local Government and Transportation.*

**SB 967 (Florez)                      Local agency formation.**

Adds two permanent members to the Kern County Local Agency Formation Commission (LAFCO), one representing the City of Bakersfield and one representing the general public.

**Status:** Chapter 559, Statutes of 2005

**SB 968 (Torlakson)                  Land use planning: general plans.**

Changes the name of the "circulation" element of a general plan to the "transportation" element. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**SB 983 (Lowenthal)                  Tentative maps: notice.**

Increases the payments, from \$500 to \$1,100, that subdividers (or agents) must pay to certain tenants if they fail to provide notice to the tenants.

**Status:** *Referred to Assembly Local Government Committee.*

**SB 1026 (Perata)                      Housing element guidelines: general plans.\***

Repeals the section of law granting cities and counties a grace period to comply with the 1980 law placing the elements of the housing element into statute and grandfathering in communities who had adopted housing elements in conformance with the earlier guidelines. **Status:** *Placed on inactive file on request of Assembly Member Frommer. From inactive file to third reading file. Read third time. Amended. Re-referred to Committee on Rules pursuant to Joint Rule 10.5 and Assembly Rule 77.2.*



**SB 1100 (Perata)                      Local agency formation commissions. \***

Makes changes to notification and review requirements related to LAFCOs. *Status: Placed on inactive file on request of Assembly Member Cohn. From inactive file to third reading file. Read third time. Amended. Re-referred to Committee on Health pursuant to Assembly Rule 77.2.*

## **LOCAL GOVERNMENT FINANCE**

**AB 27 (Mullin)                      Homicide trial costs.\***

Requires claims for trial costs to be forwarded to the treasurer and auditor of the respective county on a monthly basis, and would require the treasurer of the county of origin to pay the amount of the recipient county's costs out of the general funds of the county of origin within 30 days of receiving the recipient county's claim for costs. The bill would further provide, after January 1, 2004, in the event the county of origin does not comply with the claim for costs within 180 days of its service upon the treasurer of the county of origin, the presiding judge may order the Controller to pay the recipient county and the court in which the trial took place, as specified. *Status: From committee chair, with author's amendments: re-referred to Assembly Judiciary Committee by unanimous consent.*

**AB 250 (Matthews)                      Merced County: homicide trial costs.**

Requires the state to reimburse the County of Merced for 100% of its costs incurred in the case of People v. Cuitlahuac Taha Rivera from a specified line item in the Budget Act. *Status: In Senate Local Government Committee: set, second hearing. Held under submission.*

**AB 459 (Oropeza)                      Transfer of real property: disclosure of supplemental property taxes.**

Requires the seller of residential property, or his or her agent, to deliver to the prospective purchaser a notice containing specified information about supplemental property tax assessments and tax bills. The same notice must be included in the notice of intention that is filed with the Department of Real Estate by a person who intends to offer subdivided lands for sale or lease.

*Status: Chapter 392, Statutes of 2005*

**AB 500 (La Malfa)                      State mandates.**

Reduces the threshold below which state mandate claims cannot be made or paid from \$1000 to \$200. *Status: In Assembly Local Government Committee: set, second hearing. Held under submission.*

**AB 638 (Huff)                      Redevelopment.**

Bases both parts of the calculation of the payment to the county Educational Revenue Augmentation Fund (ERAF) that is to be paid by the Walnut Improvement Agency on the net tax increment apportioned to it. *Status: In Assembly Local Government Committee: set, second hearing. Held under submission.*

**AB 737 (Jerome Horton) Property tax revenue allocations: public utilities: qualified property.**

Requires that all property tax assessed value of a public utility plant and associated equipment be allocated entirely to the county in which the facility is located, and that the revenues derived from the tax be allocated to the county and to school districts and cities within the county, as applicable. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 799 (Leno) Local vehicle license fee: San Francisco.**

Authorizes the Board of Supervisors of the City and County of San Francisco to impose, with voter approval, a local vehicle license fee on vehicles operated by residents of San Francisco. **Status:** *In Senate Revenue and Taxation Committee: set, first hearing. Testimony taken. Further hearing to be set.*

**AB 919 (Bogh) Tax collector: property tax: sale of tax certificates.**

Revises the procedures for local agencies to sell tax certificates for tax-defaulted properties. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1033 (Daucher) Property tax revenue allocations.**

Increases the property tax allocations to certain county governments that received less than the statewide average percentage of property tax revenues allocated to each county for the 2002-03 fiscal year by transferring property tax revenues from the ERAF in each qualifying county. **Status:** *In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1146 (Huff) Local government finance: ad valorem property tax revenues: negotiated transfers.**

Requires the board of supervisors of each county to negotiate in good faith with the governing body of qualified cities within the county to transfer from the county treasury to those cities an amount equal to a portion of ad valorem property tax revenues apportioned to the county. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1208 (Yee) Vehicles: registration: local charge.**

Authorizes the City and County of San Francisco to require by ordinance or resolution a fee to be paid at the time of registration or renewal of every vehicle registered to an address within San Francisco. **Status:** *Vetoed*

**AB 1243 (Benoit) Local government finance.**

Requires county auditors and treasurers to maintain property tax resource accounts containing revenues derived from the taxing of property on the secured roll and from the redemption of tax-defaulted property on a full-accrual basis. This bill would also require county auditors and treasurers, in recording prior year amounts received from the supplemental tax roll, to distinguish between delinquent and nondelinquent amounts, and to distribute these amounts in a specified manner. **Status:** *Re-referred to Assembly Local Government Committee.*

**AB 1248 (Umberg) Criminal law: booking fees.**

Prohibits a county from charging a fee to other local agencies for booking and detention of an arrested person in the county jail, except in cases of arrest for specified nonfelonious offenses. *Status: In Assembly Local Government Committee: set, first hearing. Held without recommendation.*

**AB 1259 (Daucher) Property tax revenue allocation.**

Starting with the 2006-07 fiscal year, requires the county auditor to increase by a housing bonus amount the total amount of property tax revenue otherwise required to be allocated to a city or county that has exceeded 80% of its Regional Housing Needs Allocation and commensurately reduce the total amount of property tax revenue otherwise required to be allocated to all other local agencies in the county. *Status: In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1467 (Laird) State mandates.**

Permits mandates to be identified in the Budget by the Commission on State Mandate's test claim number as an alternative to the mandate's implementing statute and chapter number. *Status: To inactive file on motion of Senator Kehoe.*

**AB 1590 (Lieber) Property tax revenue allocations: special districts.**

Reduces the 2005-06 shift of property tax revenues from special districts that perform both enterprise and non-enterprise functions to the ERAF in each county. *Status: In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1596 (Emmerson) Property tax revenue allocations: enterprise special districts.**

Exempts the Yucaipa Valley Water District from the temporary shift of property tax revenues from multicounty special districts to the relevant ERAFs. *Status: In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1599 (La Malfa) Homicide trial costs.**

Requires the state to reimburse the counties of Siskiyou and Tehama for 100 percent of their costs incurred in specified trials, to be paid from a specified item in the Budget Act of 2005, and requires the State Controller's Office to reimburse all homicide trial costs incurred by a county in excess of a total of \$250,000 for one or more homicide trials during a fiscal year for expenses incurred on or after July 1, 2006. *Status: In Assembly Appropriations Committee: set, second hearing. Held under submission.*

**AB 1602 (Laird) Local government finance.**

Allows new cities to get a special population calculation during their first seven years for the purpose of the allocation of that portion of vehicle license fees that are apportioned to cities on the basis of population. *Status: In Senate Local Government Committee: hearing postponed by committee.*

**AB 1623 (Klehs)**      **County transportation agencies: congestion management and environmental mitigation fees.**

Authorizes the designated county transportation agencies in Alameda, Contra Costa, Marin, Napa, and Sacramento counties to impose an annual fee of up to \$5 on motor vehicles registered within their respective jurisdictions for a program to manage traffic congestion and mitigate the environmental impacts of motor vehicles within the county.

**Status: Vetoed**

**ACA 7 (Nation)**      **Local governmental taxation: special taxes: voter approval.**

Lowers the constitutional vote requirement for approval of a special tax of any sort from a two-thirds to a 55 percent majority. **Status: In Assembly Appropriations Committee: set, second hearing. Held under submission.**

**ACA 13 (Harman)**      **Local government: assessments and fees or charges.**

Exempts assessments related to flood control, stormwater drainage, and surface water drainage from the voter approval requirements of Proposition 218. This bill would also change the current exemption for flood control assessments from certain notice, hearing, and majority protest requirements from including any assessment that existed as of November 6, 1996, to including any that existed as of that date and any imposed after that date. **Status: In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.**

**ACA 16 (Gordon)**      **Taxation to supplement public safety funding approval by electorate.**

Lowers the vote threshold for approval of a special tax for the purpose of providing supplemental funding for sheriff, police, or fire protection services from a two-thirds to a 55 percent majority. **Status: Read second time. To Assembly Third Reading.**

**SB 93 (Florez)**      **Local government finance: Tulare County.**

Reduces the amount of interest owed by Tulare County on fees, fines, forfeitures, and penalties it failed to remit to the Trial Court Improvement Fund (TCIF) for fiscal years 1996-97 through 1999-2000. **Status: In Assembly Appropriations Committee: set, second hearing. Held in committee and under submission.**

**SB 121 (Committee on Local Government)**      **First Validating Act of 2005.**

Enacts the First Validating Act of 2005, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Status: Chapter 8, Statutes of 2005**

**SB 122 (Committee on Local Government)**      **Second Validating Act of 2005.**

Enacts the Second Validating Act of 2005, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Status: Chapter 169, Statutes of 2005**

**SB 123 (Committee on Local Government) Third Validating Act of 2005.**

Enacts the Third Validating Act of 2005, which validates the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Status:** Chapter 170, Statutes of 2005

**SB 190 (Cedillo) State mandates.\***

Would authorize the Department of Finance, the Controller, an affected state agency, a claimant, or an interested party to develop a reasonable reimbursement methodology for reimbursing local agencies and school districts.

**Status:** *Referred to Assembly Local Government Committee. Amended and re-referred to Committee on Health.*

**SB 268 (Campbell) Local government investment.**

Allows counties to invest up to 25 percent of the total assets of their investments in the first tier securities of a single issuer for up to three days after acquisition and for only one issuer at a time and defines "first tier security" in the same manner as federal SEC Rule 2a-7.

**Status:** Chapter 131, Statutes of 2005

**SB 308 (Simitian) Recording fees: Elder and Dependent Adult Financial Abuse Prevention Trust Fund.**

Authorizes a county board of supervisors to impose a fee of up to \$2 to be paid at the time of recording of real estate instruments to be placed in the Elder and Dependent Adult Financial Abuse Prevention Trust Fund and expended to fund programs to deter, investigate, and civilly prosecute the financial abuse of elders and dependent adults in the context of real estate transactions. **Status:** *Placed on inactive file on request of Assembly Member Frommer.*

**SB 457 (Kehoe) Disaster relief.**

Adds the severe rainstorms, floods, mudslides, and other events that occurred in Southern California during December 2004, January 2005, February 2005, March 2005, and June 2005 (collectively, the Disasters) to the list of disasters eligible for full state reimbursement of local property tax losses, full state reimbursement of local agency costs under the Disaster Assistance Act (Act), and favorable net operating loss carryforward treatment.

**Status:** Chapter 622, Statutes of 2005

**SB 485 (Migden) Local government finance.**

Clarifies that allocations made from a county's ERAF to the county superintendents of schools for special education programs do not offset state aid made pursuant to other specified statutes.

**Status:** Vetoed

**SB 568 (Kehoe) Property tax revenue allocations.**

Exempts non-enterprise healthcare districts from the 2005-06 ERAF shift.

**Status:** Chapter 602, Statutes of 2005

**SB 680 (Simitian) Congestion management and transportation improvements: Santa Clara Valley Transportation Authority.**

Authorizes the Santa Clara Valley Transportation Authority to adopt an annual vehicle registration fee of up to \$5 per vehicle for up to eight years to finance traffic and transportation improvements in Santa Clara County.

**Status: Vetoed**

**SB 742 (Chesbro) Tidelands: City of Eureka.**

Ends the obligation of the City of Eureka for a \$750,000 state loan made in 1970 immediately following the June 30, 2005, payment to the State Controller.

**Status: Vetoed**

**SB 846 (Aanestad) Charter school funding.**

Authorizes a county treasurer to temporarily transfer funds to a charter school, if all of the charter schools' funds are in the county treasurer's custody and constitutional requirements are met. **Status: In Assembly Appropriations Committee: hearing postponed by committee.**

**SB 987 (Migden) County transportation authorities.**

Authorizes any of the nine Bay Area counties to spend a portion of its local transportation sales tax revenues in another county if that use is provided in the adopted county transportation expenditure plan.

**Status: Chapter 83, Statutes of 2005**

**SB 1060 (Campbell) Local government finance: exchanging local sales and use tax allocations and ad valorem property tax allocations.**

Authorizes local agencies to exchange property tax revenues for sales tax revenues.

**Status: Referred to Assembly Committees on Local Government and Revenue and Taxation. In Assembly Local Government Committee: hearing postponed by committee.**

## **LOCAL POWERS AND DUTIES**

**AB 11 (De La Torre) Local agency legislative bodies: compensation.**

Specifies that a city council may not provide additional compensation, beyond the salary city council members currently receive, to any of its members unless that additional compensation is authorized by statute and limits the amount of compensation a commissioner may receive for serving on a community development commission.

**Status: Chapter 178, Statutes of 2005**

**AB 174 (Salinas) Pajaro Valley Water Management Agency: eminent domain.**

Extends the eminent domain authority of the Pajaro Valley Water Management Agency outside the district's boundaries.

**Status: Chapter 32, Statutes of 2005**

**AB 245 (Walters) County design-build contracts.**

Authorizes Orange County to enter into design-build contracts until January 1, 2008, subject to the same conditions and requirements currently applicable to design-build contracts in Alameda, Contra Costa, Sacramento, Santa Clara, Solano, Sonoma, and Tulare Counties.

**Status:** *In Senate Local Government Committee: hearing postponed by committee.*

**AB 259 (Hancock) Solid waste: handling services: delinquent charges: liens.**

Extends the ability of county boards of supervisors (Boards) to utilize their delinquent charge and fee collection procedures on a property owner if the owner fails to pay a franchised solid waste hauler or a contractor for solid waste disposal for services.

**Status:** Chapter 564, Statutes of 2005

**AB 463 (Tran) Local agencies: security information.**

Permits a legislative body of a local agency to hold a closed session meeting with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager on matters posing a threat to private property or facilities that are open to the general public, including response strategies and preventative measures relating to that threat. **Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 504 (Harman) Real property electronic recording.**

Enacts the Uniform Real Property Electronic Recording Act, which would specify standards for the electronic recording of real property documents and prescribe related duties of the Attorney General. **Status:** *Referred to Assembly Local Government Committee.*

**AB 792 (Ruskin) Regional park, park and open-space, and open-space districts.**

Provides that police appointed or employed by the board of directors of a district shall also have, within the district for which they are appointed or employed, those powers in or about property owned, operated, or managed by the district.

**Status:** *Referred to Assembly Committees on Local Government and Public Safety.*

**AB 797 (Wolk) Sacramento-San Joaquin Delta.**

Expands the duties of the Delta Protection Commission regarding the protection of agricultural, environmental, recreational, and historical resources in the Sacramento-San Joaquin Delta and prohibits a local agency formation commission from approving a proposal in the primary zone of the Sacramento-San Joaquin Delta that would allow specified facilities or services unless those facilities or services are consistent with the applicable resource management plan. **Status:** *Withdrawn from Senate Rules Committee. Ordered placed on third reading file.*

**AB 818 (Leslie) Local agencies.**

Extends the sunset date to January 1, 2010, for the statutory mechanism for property tax sharing agreements between a county and city in the event of an annexation of unincorporated land.

**Status:** Chapter 189, Statutes of 2005

**AB 981 (Negrete McLeod) Joint powers authority: Los Angeles.**

Authorizes a private nonprofit corporation that conducts fairs and other events and exhibitions on land leased from the County of Los Angeles to enter into a joint powers agreement (JPA) with a public agency, for mutually beneficial uses of the public land.

**Status:** Chapter 122, Statutes of 2005

**AB 997 (Cogdill) State regulatory agencies: fee notification.**

Would require that whenever a state regulatory agency or department imposes a new fee or increases an existing fee charged to a county, it shall notify the affected counties by June 30 of each year, or within 30 days of the enactment of the State Budget, in which the fee is imposed or increased. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1013 (Garcia) Local elected officials: vacancy: appointment.**

Would provide that the city council of a general law city shall fill the vacancy of an elective office within 30 days by appointment of the person who received the 3<sup>rd</sup> highest number of votes in the prior election of that office. If that person does not exist, cannot be appointed, or will not accept the appointment, the council shall then call a special election to be held within 114 days. **Status:** *Referred to Assembly Committees on Elections and Redistricting and Local Government. In Elections and Redistricting Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1234 (Salinas) Local agencies: compensation and ethics.**

Clarifies the rules pertaining to compensation to members of a local government legislative body for attendance at authorized meetings and conferences; requires the establishment of guidelines for reimbursement of members of a local government legislative body for actual and necessary expenses incurred in the performance of official duties; and, establishes provisions for ethics training for local government officials and designated employees.

**Status:** Chapter 700, Statutes of 2005

**AB 1318 (Evans) County officers: public administrators.**

Authorizes the Sonoma County Board of Supervisors to provide, by ordinance, that the public administrator be appointed by the Board of Supervisors.

**Status:** Chapter 407, Statutes of 2005

**AB 1329 (Wolk) Design-build contracting: cities.**

Allows the cities in Solano and Yolo Counties to use the design-build contracting method until January 1, 2011.

**Status:** Chapter 228, Statutes of 2005

**AB 1443 (Hancock) Local agency auditors.**

Deletes the ability of an auditor of a county, special district, or city to order the personal papers and correspondence of any person providing assistance to the auditor to become public records if that person has requested in writing that the papers be kept private and confidential.

**Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*



**AB 1511 (Evans)      Design-build contracting.**

Authorizes six additional counties to enter into design-build contracts, extends the sunset of the authorization from 2006 to 2011, and makes specified changes to the conditions and requirements for design-build contracting by counties.

**Status: Chapter 350, Statutes of 2005**

**AB 1519 (Emmerson)      Government records: destruction.**

Authorizes cities, counties, and special districts to destroy video monitoring recordings after 100 days. **Status: *In Senate Judiciary Committee: set, second hearing. Hearing canceled at the request of author.***

**AB 1738 (Committee on Local Government)      Electronic recordings: computer security auditors.**

Requires that prior to any person being authorized to have access to an electronic recording delivery system, a Federal Bureau of Investigations fingerprint check must be done.

**Status: Chapter 520, Statutes of 2005**

**AB 1747 (Wolk)      Joint exercise of powers.**

Allows the Tribal Council of the Rumsey Band of Wintun Indians to enter a joint powers agreement with Yolo County and other specified agencies.

**Status: Vetoed**

**SB 35 (Florez)      California Children and Families Program.**

Expands auditing requirements under the California Children and Families Act of 1998 (Proposition 10).

**Status: Chapter 243, Statutes of 2005**

**SB 110 (Florez)      Fresno County Transportation Authority.**

Revises the Fresno County Transportation Improvement Act by deleting the specified wording requirement of a ballot proposition to extend the local transportation sales tax and providing instead that the actual wording of the proposition would be described in the local sales tax expenditure plan of the authority. This bill expands the Authority's membership from seven to nine, require a citizens' oversight committee and add conditions for amending the Authority's expenditure plan.

**Status: Chapter 248, Statutes of 2005**

**SB 274 (Romero)      Incompatible offices: elected and appointed positions.**

Codifies common law regarding the prohibition of public officers holding incompatible offices.

**Status: Chapter 254, Statutes of 2005**

**SB 282 (Maldonado)      County offices.**

Authorizes the Lassen and Monterey County Board of Supervisors to provide, by ordinance, that the public administrator be appointed by the board and increases the amount a county board of supervisors may appropriate to a County Service Area's revolving fund.

**Status: Chapter 136, Statutes of 2005**

**SB 287 (Cox)                      Design-build contracting.**

Authorizes 20 additional counties to enter into design-build contracts, extends the sunset of the authorization from 2006 to 2011, and makes specified changes to the conditions and requirements for design-build contracting by counties.

**Status: Chapter 376, Statutes of 2005**

**SB 511 (Hollingsworth) County water authority.**

Requires the San Diego County Water Authority's controller to issue the required annual reports no later than 270 days after the fiscal year ends.

**Status: *Referred to Assembly Committees on Local Government and Water, Parks and Wildlife.***

**SB 557 (Battin)      Utilities owned by municipal corporations: waste water treatment plants.**

Allows the City of Palm Springs to sell its wastewater treatment facility to the Desert Water Agency if the city council adopts a resolution finding that the public's interest and convenience require the sale.

**Status: Vetoed**

**SB 671 (Cox)              Plumas County Flood Control and Water Conservation District: board of directors.**

Authorizes the Board of Directors of the Plumas County Flood Control and Water Conservation District to receive compensation for meeting attendance.

**Status: Chapter 175, Statutes of 2005**

**SB 851 (Murray) Los Angeles County Metropolitan Transportation Authority.**

Establishes a consolidated system of procurement methods and procedures for the Los Angeles County Metropolitan Transportation Authority for purchasing and acquiring goods, equipment, materials, and services.

**Status: Vetoed**

**SB 858 (Kehoe)      San Diego County Water Authority.**

Requires the San Diego County Water Authority's controller to issue the required annual reports no later than 270 days after the fiscal year ends. **Status: *Referred to Assembly Committees on Local Government and Water, Parks and Wildlife.***

**SB 861 (Speier)      Animals: dogs: spay, neuter, and breeding programs.**

Allows cities and counties to pass specified breed-specific legislation for mandatory spaying and neutering and breeding restrictions.

**Status: Chapter 668, Statutes of 2005**

**SB 959 (Kehoe)      San Diego Metropolitan Transit Development Board.**

Revises, consolidates and updates the authority of the San Diego Metropolitan Transit Development Board, also known as the Metropolitan Transit System, consistent with the San Diego Regional Transportation Consolidation Act of 2002.

**Status: Chapter 557, Statutes of 2005**

**SB 966 (Committee on Local Government)**      **Local Government Omnibus Act of 2005.**  
Makes 17 minor and non-controversial changes to the state laws affecting local agencies' powers and duties.  
**Status:** Chapter 158, Statutes of 2005

## **OPEN MEETINGS & CONFLICT OF INTEREST**

**AB 194 (Dymally)**      **Ralph M. Brown Act violations: remedy.**  
Permits a district attorney or any interested person to commence an action to obtain a judicial determination that an action taken by a local legislative body is in violation of the Ralph M. Brown Act and reduces the time period that the district attorney or interested person has to make a written demand for cure or correction. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 763 (Tran)**      **Conflict of interests: juvenile justice coordinating councils.**  
Clarifies a conflict of interest provision relating to county juvenile justice coordinating councils. **Status:** *In Assembly Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1314 (Ridley Thomas)**      **Neighborhood councils: open meetings.**  
Exempts subcommittees of the neighborhood councils in the City of Los Angeles from the 72-hour meeting notification requirement of the Ralph M. Brown Act.  
**Status:** *To inactive file on motion of Assembly Member Ridley-Thomas.*

**AB 1438 (Salinas)**      **Local agencies: open meetings.**  
Exempts local health plans from the teleconferencing quorum requirement by allowing for the establishment of a quorum by members of the board participating via teleconference who are located outside the jurisdiction.  
**Status:** Chapter 540, Statutes of 2005

**AB 1448 (Saldana)**      **Conflicts of interest.**  
Clarifies a conflict-of-interest provision relating to county multi-agency juvenile justice coordinating councils.  
**Status:** Vetoed

**AB 1769 (Committee on Public Employees, Retirement & Social Security)**  
**Public pension funds: audits.\***  
Would exempt from public disclosure written advice from the administrator, chief executive officer, chief legal officer, or chief auditor of a public pension or retirement system concerning the need for the retirement board or investment board of a public pension or retirement system, or a committee composed exclusively of members of the board, to discuss in closed session internal operational security issues. **Status:** *Referred to Assembly Committees on Public Employees, Retirement & Social Security and Local Government. From committee chair, with author's amendments. Read second time. Amended. Re-referred to committee.*

## **SPECIAL DISTRICTS**

### **AB 159 (Salinas)      Irrigation districts: directors.**

Removes the landownership requirement from the list of qualifications to serve as a director of an irrigation district if the district is required to submit an Urban Water Management Plan.

**Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

### **AB 166 (Ridley-Thomas)      Los Angeles County hospital authority.**

Authorizes the Los Angeles County Board of Supervisors to establish an office of inspector general to conduct audits and investigations of the health system in Los Angeles and to establish a hospital authority for which the management or ownership of the county's medical centers can be transferred. **Status:** *Re-referred to Assembly Local Government Committee; Re-referred to Assembly Rules Committee by unanimous consent.*

### **AB 286 (Matthews)      Banta-Carbona Irrigation District.**

Authorizes non-resident district landowners who live in San Joaquin County to serve on the board of directors for the Banta-Carbona Irrigation District.

**Status:** *In Senate Local Government Committee: hearing postponed by committee.*

### **AB 372 (Nation)      Sonoma-Marin Area Rail Transit District.**

Confers upon the Board of the Sonoma-Marin Area Rail Transit District the duty and power to plan, finance, and operate local and regional bus transit operations within the Counties of Sonoma and Marin. **Status:** *Referred to Assembly Committees on Transportation and Local Government.*

### **AB 796 (Wolk)      Library districts.**

Authorizes the governing body of a library district to select a name for the district that sufficiently distinguishes it from an existing school district.

**Status:** Chapter 27, Statutes of 2005.

### **AB 991 (DeVore)      Mosquito abatement and vector control districts.**

Reduces the size of the board of trustees for the Orange County Vector Control District.

**Status:** *From committee without further action pursuant to Joint Rule 62(a).*

### **AB 1134 (Dymally)      Water replenishment district: water replenishment assessment.**

Changes the date from the first Tuesday in May to the third Tuesday in May by which a board of directors of a water replenishment district is required to complete a certain public hearing concerning the imposition of a water replenishment assessment following the commencement of the hearing in April. **Status:** *Referred to Assembly Local Government Committee.*

### **AB 1135 (Dymally)      Water replenishment district: water replenishment assessment.**

Changes the date from the second Tuesday in April to the third Tuesday in April by which the board of directors of a water replenishment district, is required to publish a notice that a public

hearing will be held to determine to what extent those costs for the ensuing year will be paid for by means of imposing a water replenishment assessment.

**Status:** *Referred to Assembly Local Government Committee.*

**AB 1140 (Dymally)      Water districts: landowner requirements.**

Requires a person to be a resident of a water district in order to vote on elections in that district or serve on the board of that district. **Status:** *Referred to Assembly Committees on Local Government and Elections and Redistricting. In Elections and Redistricting Committee: set, first hearing. Further hearing to be set.*

**AB 1238 (Plescia)      North County Transit District.**

Revises and recasts provisions in current law regarding the North San Diego County Transit Development Board by renaming the board as the North County Transit District, expanding its area of jurisdiction, and making other conforming changes.

**Status:** Chapter 150, Statutes of 2005

**AB 1330 (Karnette)      Redevelopment: Los Angeles Harbor District.**

Establishes the Harbor District Development Authority in the City of Los Angeles; authorizes the City of Los Angeles to designate the Los Angeles Board of Harbor Commissioners as the redevelopment agency for the Harbor; and redefines blight to fit the conditions in the Los Angeles Harbor District. **Status:** *In Assembly Local Government Committee: set, first hearing. Failed passage. Reconsideration granted.*

**AB 1335 (Vargas)      Landscaping and Lighting Act of 1972.\***

Renames and amends the Landscaping and Lighting Act of 1972. **Status:** *In Senate Local Government Committee: set, first hearing. Hearing canceled at the request of author.*

**AB 1335 (Vargas)      Business improvement and residential areas.**

Slightly modifies the Parking and Business Improvement Area Law of 1989 and makes several changes to the Property and Business Improvement District Law of 1994. **Status:** *In Senate Local Government: set, second hearing. Hearing canceled at the request of author.*

**AB 1351 (Vargas)      San Diego County Regional Airport Authority.**

Allows the San Diego County Regional Airport Authority to issue notes, commercial paper notes, or any other type of obligation allowable by law.

**Status:** Vetoed

**AB 1552 (La Suer)      San Diego Consolidated Transportation Agency.**

Expands the governing board of the San Diego Consolidated Transportation Agency by one additional supervisor to be appointed to the governing board, based on specified requirements for representation from both incorporated and unincorporated parts of the county.

**Status:** *Referred to Assembly Committees on Transportation and Local Government. In Transportation Committee: hearing postponed by committee.*

**SB 53 (Kehoe) San Diego County Regional Airport Authority. \***

Makes changes to the San Diego County Regional Airport Authority Act to update and clarify its governing provisions.

*Status: Referred to Assembly Local Government Committee. From committee with author's amendments. Read second time. Amended. Re-referred to committee.*

**SB 135 (Kehoe) Community services districts.**

Repeals the current statute and enacts a new Community Services District Law.

**Status: Chapter 249, Statutes of 2005**

**SB 351 (Soto) Property and business improvement districts. \***

Requires that a petition to form a Property and Business Improvement District be signed by at least 50% of the number of the property owners or 50% of the number of the business owners in the proposed district who would also pay more than 50% of the proposed assessments.

*Status: In Assembly Local Government Committee: set, second hearing. Hearing canceled at the request of author. From committee with author's amendments. Read second time. Amended. Re-referred to committee.*

**SB 376 (Soto) Three Valleys Municipal Water District: standby charge authority.**

Authorizes the Three Valleys Municipal Water District to adopt an assessment including a schedule of annual adjustments, and to make those adjustments in the same manner as allowed for taxes, fees, and charges that are not considered increases under Proposition 218.

**Status: Chapter 210, Statutes of 2005**

**SB 776 (Runner) Health care districts: mortgage insurance, loans, credit.**

Allows a health care district to secure federally insured loans issued under the National Housing Act through specified financing mechanisms and to establish a line of credit secured by accounts receivable or other noncapital assets.

**Status: Chapter 554, Statutes of 2005**

**SB 999 (Machado) San Joaquin Valley Unified Air Pollution Control District: district board membership.**

Increases the size of the San Joaquin Valley Unified Air Pollution Control District board from 11 members to 15 members increasing the number of city representatives from three to five, adding two public members with specified qualifications, and changes the appointment procedures for city representatives. **Status: Placed on inactive file on request of Assembly Member Frommer.**

**SB 1009 (Florez) Water storage districts: election rolls.**

Revises the procedures for water storage districts to adopt an alternative preliminary election roll and requires the district board to have a registered civil engineer prepare a preliminary election roll and assign votes on the basis of one per acre or the benefits derived by each parcel from being in, or receiving services from, the district.

**Status: Chapter 275, Statutes of 2005**

**SB 1085 (Migden)      Infrastructure financing districts: public trust lands.**

Provides for changes and additions to the Infrastructure Finance District Law to enable the City and County of San Francisco to finance needed public infrastructure improvements to specified waterfront properties.

**Status: Chapter 213, Statutes of 2005**

**SB 1092 (Maldonado)      Community services districts: East Garrison.**

Designates the Monterey County Board of Supervisors as the Board of Directors of the East Garrison Community Services District, until its conversion to a directly elected board of directors.

**Status: Chapter 108, Statutes of 2005**