

AMENDED IN SENATE MARCH 6, 2018

**SENATE BILL****No. 929****Introduced by Senator McGuire**

January 25, 2018

~~An act to amend Section 53085 of the Government Code, relating to local government. An act to add Section 53087.8 to the Government Code, relating to special districts.~~

## LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, McGuire. ~~Local government: applicant for economic development financial assistance: statement. Special districts: Internet Web sites.~~

*The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for special districts, as specified. The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its Internet Web site and directing a member of the public to the Web site, as specified.*

*This bill would, beginning on January 1, 2020, require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. Because this bill would require local agencies to provide a new service, the bill would impose a state-mandated local program.*

*The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or*

*open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.*

*This bill would make legislative findings to that effect.*

*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.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~Existing law authorizes a local agency to require an applicant for economic development loans, grants, or similar financial assistance to sign a statement under penalty of perjury that he or she has not been convicted of a felony.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *Special districts are local government agencies that provide*
- 4     *essential services to millions of Californians.*
- 5     (b) *As of January 2018, there are 2,085 independent special*
- 6     *districts in California.*
- 7     (c) *Each special district focuses on a specific set of services,*
- 8     *including, but not limited to, water, utilities, and parks.*
- 9     (d) *Throughout California's history, special districts have*
- 10    *empowered residents to find local solutions to fit the unique needs*
- 11    *of their communities.*
- 12    (e) *It is this local approach that continues to make special*
- 13    *districts a popular method for delivering essential public services*
- 14    *and infrastructure in communities throughout the state.*
- 15    (f) *In order to further public access to information related to*
- 16    *these essential services, it is the intent of the Legislature that each*

1 *independent special district provide easily accessible and accurate*  
2 *information on an Internet Web site.*

3 *SEC. 2. Section 53087.8 is added to the Government Code, to*  
4 *read:*

5 *53087.8. (a) (1) Except as provided in subdivision (b),*  
6 *beginning on January 1, 2020, every independent special district,*  
7 *as defined in Section 56044, shall maintain an Internet Web site.*

8 *(2) The Internet Web site required by paragraph (1) shall*  
9 *conform to any other provisions of law applicable to the Internet*  
10 *Web site of the district, including, but not limited to, Sections*  
11 *6270.5, 53893, 53908, and 54954.2 of this code, and Section 32139*  
12 *of the Health and Safety Code.*

13 *(3) The Internet Web site required by paragraph (1) shall clearly*  
14 *list contact information for the independent special district.*

15 *(b) (1) An independent special district shall be exempt from*  
16 *subdivision (a) if, pursuant to a majority vote of its governing body*  
17 *at a regular meeting, the district adopts a resolution declaring its*  
18 *determination that a hardship exists that prevents the district from*  
19 *establishing or maintaining an Internet Web site.*

20 *(2) A resolution adopted pursuant to this subdivision shall*  
21 *include detailed findings, based upon evidence set forth in the*  
22 *minutes of the meeting, supporting the board's determination that*  
23 *a hardship prevents the district from establishing or maintaining*  
24 *an Internet Web site. The findings may include, but shall not be*  
25 *limited to, inadequate access to broadband communications*  
26 *network facilities that enable high-speed Internet access,*  
27 *significantly limited financial resources, or insufficient staff*  
28 *resources.*

29 *(3) A resolution adopted pursuant to this subdivision shall be*  
30 *valid for one year. In order to continue to be exempt from*  
31 *subdivision (a), the governing body of an independent special*  
32 *district shall adopt a resolution pursuant to this subdivision*  
33 *annually so long as the hardship exists.*

34 *SEC. 3. The Legislature finds and declares that Section 2 of*  
35 *this act, which adds Section 53087.8 to the Government Code,*  
36 *further, within the meaning of paragraph (7) of subdivision (b)*  
37 *of Section 3 of Article I of the California Constitution, the purposes*  
38 *of that constitutional section as it relates to the right of public*  
39 *access to the meetings of local public bodies or the writings of*  
40 *local public officials and local agencies. Pursuant to paragraph*

1 (7) of subdivision (b) of Section 3 of Article I of the California  
2 Constitution, the Legislature makes the following findings:

3 By requiring independent special districts to maintain an Internet  
4 Web site, this act increases public access to public records and  
5 thereby furthers the purposes of paragraph (7) of subdivision (b)  
6 of Section 3 of Article I of the California Constitution.

7 SEC. 4. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district under this act would result from a legislative mandate that  
11 is within the scope of paragraph (7) of subdivision (b) of Section  
12 3 of Article I of the California Constitution.

13 However, if the Commission on State Mandates determines that  
14 the act contains other costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 ~~SECTION 1. Section 53085 of the Government Code is~~  
19 ~~amended to read:~~

20 ~~53085. A local agency, as defined by Section 54951, may~~  
21 ~~require an applicant for economic development loans, grants, or~~  
22 ~~similar financial assistance to sign a statement under penalty of~~  
23 ~~perjury that he or she has not been convicted of a felony.~~