GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] *(Title 2 enacted by Stats. 1943, Ch. 134.)*

DIVISION 4. FISCAL AFFAIRS [16100 - 17700] *(Division 4 added by Stats. 1945, Ch. 119.)*

PART 1.5. DISTRIBUTION OF FUNDS TO LOCAL AGENCIES [16250 - 16282] *(Part 1.5 added by Stats. 1978, Ch. 292.)*

CHAPTER 3. Special Districts [16270 - 16279.5] *(Chapter 3 added by Stats. 1978, Ch. 292.)*

ARTICLE 1. General Provisions and Definitions [16270 - 16271] *(Article 1 added by Stats. 1978, Ch. 292.)*

16270. The Legislature finds and declares that many special districts have the ability to raise revenue through user charges and fees and that their ability to raise revenue directly from the property tax for district operations has been eliminated by Article XIII A of the California Constitution. It is the intent of the Legislature that such districts rely on user fees and charges for raising revenue due to the lack of the availability of property tax revenues after the 1978–79 fiscal year. Such districts are encouraged to begin the transition to user fees and charges during the 1978–79 fiscal year.

(Added by Stats. 1978, Ch. 292.)

16271. As used in this chapter:

(a) “Governing body” means the board of supervisors except that in the case of a subsidiary district “governing body” means the city council, and in the case of a multi-county district “governing body” means the governing body of the multi-county district itself.

(b) “Local fiscal officer” means the county auditor for all special districts within the county, except that in the case of a subsidiary district “local fiscal officer” means the city treasurer; and in the case of a multi-county district “local fiscal officer” means the treasurer of the district.

(c) “Multi-county district” means any special district which includes territory in more than one county.

(d) “Special district” means any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. “Special district” includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

County free libraries established pursuant to Chapter 2 (commencing with Section 27151) of Division 20 of the Education Code; areas receiving county fire protection services pursuant to Section 25643 of the Government Code; and county road districts established pursuant to Chapter 7 (commencing with Section 1550) of Division 2 of the Streets and Highways Code, shall be considered “special districts” for all purposes of this chapter.

“Special district” does not include a city, a county, a school district or a community college district. “Special district” does not include any agency which is not authorized to levy a property tax rate, except the Bay Area Pollution Control District.

(e) “Subsidiary district” means a special district in which the city council of a city has been empowered to act as ex officio members of the board of directors of such district and either:

(1) The entire territory of such district is included within the boundaries of a city, or

(2) A portion or portions of the territory of such district is included within the boundaries of a city and such portion or portions:

(i) Represent 70 percent or more of the area of taxable or assessable land within such district, as shown on the last equalized assessment roll; and

(ii) Contains 70 percent or more of the number of registered voters who reside within the district as shown on the voters’ registrar in the office of the county clerk or registrar of voters.

(f) “General fund reserves” means the general fund reserve balance as of July 1, 1978, that is not legally obligated. General fund reserves shall not include:

(1) Noncash assets such as stores, inventory, property and buildings, or other investments purchased prior to June 6, 1978.

(2) Any amounts for self-insurance, for contractual obligations, or for reserves established by law or a legislative body of the county, city, or special district, as the case may be.

(3) Any amounts restricted by law or court order.

(4) Any amounts committed to a capital outlay project approved prior to June 6, 1978, by the governing body.

(g) For the purpose of this chapter, the amount of property tax levied pursuant to existing law, for the purpose of making annual payments for the interest and principal on outstanding general obligation bonds or other indebtedness approved by the voters prior to July 1, 1978, shall be excluded from all calculations.

(Amended by Stats. 2006, Ch. 643, Sec. 3. Effective January 1, 2007.)