



SB-929 Special districts: Internet Web sites. (2017-2018)

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Senate Bill No. 929

CHAPTER 408

An act to add Sections 6270.6 and 53087.8 to the Government Code, relating to special districts.

[Approved by Governor September 14, 2018. Filed with Secretary of State
September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 929, McGuire. 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 Internet 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Special districts are local government agencies that provide essential services to millions of Californians.

(b) As of January 2018, there are 2,085 independent special districts in California.

(c) Each special district focuses on a specific set of services, including, but not limited to, water, utilities, and parks.

(d) Throughout California's history, special districts have empowered residents to find local solutions to fit the unique needs of their communities.

(e) It is this local approach that continues to make special districts a popular method for delivering essential public services and infrastructure in communities throughout the state.

(f) In order to further public access to information related to these essential services, it is the intent of the Legislature that each independent special district provide easily accessible and accurate information on an Internet Web site.

SEC. 2. Section 6270.6 is added to the Government Code, to read:

6270.6. In implementing this chapter, each independent special district shall maintain an Internet Web site in accordance with Section 53087.8.

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

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

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

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

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

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

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

SEC. 4. The Legislature finds and declares that Section 2 of this act, which adds Section 6270.6 to the Government Code, and Section 3 of this act, which adds Section 53087.8 to the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

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

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

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



October 29, 2019 | Written by Alexis K. Stevens and J. Palmer Hilton

Is Your District's Website Ready for January 1, 2020?

Beginning January 1, 2020, all special districts in California must maintain a website. Does your district have a website? If so, does it comply with the new statutory requirements? Keep reading to find out.

Senate Bill 929 was enacted in 2018 and added section 53087.8 to the Government Code. The statute mandates that all independent special districts maintain a website beginning January 1, 2020 that clearly lists the district's contact information, in addition to complying with all previous provisions of law applicable to special district websites.

To whom does the law apply? The law applies to all special districts in California, except those with a legislative body consisting of ex officio members who are officers of a county or another local agency.

Does my district's website comply with the law? The website must list the contact information for the district, as well as comply with other applicable laws. Other requirements include: (1) posting the time and location of regular board meetings; (2) posting agendas in advance of meetings with a link to the most recent agenda provided on the website home page; (3) posting or providing links to the district's most recent financial transactions and compensation reports provided to the State Controller; (4) if public records are posted on the website they must be in a format that is retrievable, downloadable, indexable, and searchable; and (5) the website must comply with the Americans with Disabilities Act. For districts that already maintain a website, the only new requirement is that it include contact information.

Are there any exemptions to compliance? Yes. The law provides a "hardship" exemption. A district qualifies for the exemption if, pursuant to a majority vote of its governing body at a regular meeting, the district adopts a resolution declaring its determination that a hardship exists that prevents the district from establishing or maintaining a website. The resolution must include detailed findings, based upon evidence set forth in the minutes of the meeting. These findings may include inadequate access to broadband communications network facilities that enable high-speed internet access, significantly limited financial resources, or insufficient staff resources. Importantly, the resolution is only valid for one year and must be adopted annually so long as the hardship exists.

For additional information on this topic, please contact Alexis K. Stevens at astevens@somachlaw.com or Palmer Hilton at philton@somachlaw.com or by telephone at (916) 446-7979.