

AMENDED IN SENATE MAY 15, 2013

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**SENATE BILL**

**No. 128**

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**Introduced by Senator Emmerson**

January 22, 2013

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An act relating to community facilities districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Emmerson. Community facilities districts: transfer of governance authority.

Existing law, the Mello-Roos Community Facilities Act of 1982, authorizes a local agency, as defined, to initiate proceedings to establish a community facilities district for purposes of financing certain public capital facilities and services, especially in developing areas and areas undergoing rehabilitation. Existing law authorizes the authority for the governance of one or more community facilities districts to be transferred from the jurisdiction of a county to the jurisdiction of a city upon written agreement entered into between the governing boards of the county and the city and satisfaction of certain conditions.

This bill would authorize the Hemet Unified School District Community Facilities District No. 2005-1 to be transferred from the jurisdiction of the Hemet Unified School District to the Temecula Valley Unified School District upon written agreement entered into between the governing boards of those school districts, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hemet Unified School District Community Facilities District No. 2005-1.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*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) The French Valley community, located in unincorporated  
4 Riverside County, is located in close proximity to the schools of  
5 the Temecula Valley Unified School District. However, due to  
6 current school district boundary lines, French Valley students are  
7 required to travel long distances by bus to attend schools of the  
8 Hemet Unified School District.

9 (b) In 2009, with the support of both the Hemet-Valley Unified  
10 School District and the Temecula Valley Unified School District,  
11 proceedings were initiated with the Riverside County Committee  
12 on School District Organization to transfer French Valley from  
13 the Hemet-Valley Unified School District to the Temecula Valley  
14 Unified School District, under the French Valley Reorganization  
15 Plan. Approval of the French Valley Reorganization Plan would  
16 authorize French Valley students to permanently attend local  
17 schools of the Temecula Valley Unified School District.

18 (c) A portion of the French Valley area to be transferred also  
19 includes an existing community facilities district, known as the  
20 Hemet Unified School District-~~CFD~~ *Community Facilities District*  
21 No. 2005-1, to provide necessary educational and facility financing.  
22 To effectuate the French Valley Reorganization Plan, Hemet  
23 Unified School District CFD No. 2005-1 must also be transferred  
24 from the Hemet-Valley Unified School District to the Temecula  
25 Valley Unified School District.

26 (d) Legislative approval is required because the Riverside  
27 County Committee of School District Organization lacks the  
28 authority to approve the transfer of the governance of the Hemet  
29 Unified School District CFD No. 2005-1 from the Hemet-Valley  
30 Unified School District to the Temecula Valley Unified School  
31 District.

32 (e) French Valley students are currently attending schools of  
33 the Temecula Valley Unified School District pursuant to temporary

1 interdistrict transfers, pending final approval of the French Valley  
2 Reorganization Plan. Approval of the French Valley Reorganization  
3 Plan and transfer of Hemet Unified School District CFD No.  
4 2005-1 from the Hemet-Valley Unified School District to the  
5 Temecula Valley Unified School District will provide comfort to  
6 these children and their families in that they may continue to attend  
7 their neighborhood school on a permanent basis.

8 (f) It is necessary and desirable that a process be established  
9 under which the governance of Hemet-Valley Unified School  
10 District CFD No. 2005-1 may be transferred from the governing  
11 board of the Hemet Unified School District to the governing board  
12 of the Temecula Valley Unified School District.

13 SEC. 2. Notwithstanding any other law, the jurisdiction of the  
14 Hemet Unified School District-~~CFD~~ *Community Facilities District*  
15 No. 2005-1, may be transferred from the Hemet Unified School  
16 District to the Temecula Valley Unified School District upon  
17 written agreement entered into between the governing boards of  
18 those school districts. Except as otherwise may be provided in the  
19 written agreement, upon the effective date of the transfer of  
20 jurisdiction pursuant to the written agreement all of the following  
21 shall apply:

22 (a) The legislative body empowered pursuant to Chapter 2.5  
23 (commencing with Section 53311) of Part 1 of Division 2 of Title  
24 5 of the Government Code to exercise authority over Hemet  
25 Unified School District CFD No. 2005-1 shall be the governing  
26 board of the Temecula Valley Unified School District.

27 (b) The Hemet Unified School District shall not bear any liability  
28 for any action taken with regard to Hemet Unified School District  
29 CFD No. 2005-1 on or after the effective date of the transfer of  
30 jurisdiction.

31 (c) The Temecula Valley Unified School District shall not bear  
32 any liability for any action taken with regard to Hemet Unified  
33 School District CFD No. 2005-1 before the effective date of the  
34 transfer of jurisdiction.

35 SEC. 3. The Legislature finds and declares that a special law  
36 is necessary and that a general law cannot be made applicable  
37 within the meaning of Section 16 of Article IV of the California  
38 Constitution because of the unique circumstances related to the  
39 transfer of territory from the Hemet Unified School District to the  
40 Temecula Valley Unified School District.

1 SEC. 4. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5 Completion of the transfer of territory from the Hemet Unified  
6 School District to the Temecula Valley Unified School District  
7 before the start of the 2013–14 school year will avoid disruptions  
8 associated with mid-year transfers.