



DATE: August 17, 2023
FROM: Claire Lai, District Counsel
RE: **Agenda Item 6C- Authorized Services and Facilities for the District Under Applicable State Law**

Introduction

Our office received a question from the District regarding the scope of authorized services and facilities that a Community Services District like GCSO may provide or maintain. A specific question relates to whether the District may acquire real property and construct/operate a park or town square area. This staff report provides an overview of applicable law describing such authorized activities to the Board and responds to that specific question.

Community Services District Powers and Authority Overview

Community Services Districts (CSD) are special districts created under a set of statutes in the California Government Code, commonly known as the Community Services District Law (CSDL).¹ The CSDL gives CSDs like Graton CSD certain specific powers to provide a variety of public services and facilities, and a district must act within in the scope of those powers.

General Powers

Pursuant to the CSDL, a district has the express and implied powers to carry out certain operations and tasks. To summarize a few of the major general powers, a CSD may:²

- Adopt ordinances and enforce rules and regulations relating to its facilities and services;
- To sue and be sued in its own name;
- To acquire real or personal property within or outside the district, and to hold, manage, convey and encumber said property, for the benefit of the district;
- To exercise eminent domain power over real or personal property within or outside the district, subject to certain restrictions;
- To construct projects devoted to public use;
- To enter into and perform contracts, including public works contracts and professional services.

In addition, the CSDL provides a list of authorized services and facilities for a CSD to undertake within its boundaries.³ These include supplying water; collect, treat and dispose of wastewater, recycled water, and stormwater; operate vector control services; and acquire or construct public roads and sidewalks.

¹ Gov. Code section 61000 et seq.

² Gov. Code section 61060

³ Gov. Code section 61100

Authority to provide for recreation facilities

Specifically under the CSDL, a district is authorized to, within its boundaries, to “acquire, construct, improve, maintain, and operate recreation facilities”, including but not limited to parks and open space. Likewise, it may “organize, promote, conduct, and advertise programs of community recreation/” A CSD may provide these facilities and activities in the same manner as a recreation and park district created under separate California law.

Thus, with respect to the specific question identified above, GCSD may acquire property to construct and maintain a park or space that is dedicated to community recreation pursuant to the general and specific powers afforded to it by statute. The statute also affords the District with several other authorizations to engage in activities that may be necessary in conjunction with the operation of said park or recreational space, such as the power to construct and maintain street lighting and to maintain streets and sidewalks.