

AMENDED IN SENATE JUNE 28, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1746

**Introduced by Committee on Local Government (Salinas (Chair),
Emmerson (Vice Chair), De La Torre, Houston, Lieber, Nation,
and Wolk)**

March 3, 2005

An act to amend Sections 56157, ~~56663~~, and ~~57051~~ of the ~~Government Code~~, 56325, 56381, 56425, 56663, 56743, 57000, 57051, and 57077 of, and to repeal Section 54975 of, the *Government Code*, and to amend Sections 13801 and 14051 of the *Public Utilities Code*, relating to local government reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 1746, as amended, Committee on Local Government. Local government reorganization.

(1) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. In the case of a petition for an annexation, a detachment, or a reorganization consisting solely of annexations or detachments, or both, signed by all of the landowners in the territory affected by the proposal, the local agency may approve or disapprove the proposal without notice or hearing, if prescribed conditions are met. With respect to uninhabited territory, the commission may waive protest proceedings if all the owners of land have given written consent and all subject agencies have consented in writing to a waiver of protest proceedings. With respect to inhabited city and district annexations or detachments, or both, the commission may waive protest proceedings if the commission has provided written notice of commission proceedings to

all registered ~~voter~~ voters and landowners within the affected territory and has received no written opposition from registered voters or landowners within the affected territory, and all subject agencies have consented in writing to a waiver of protest proceedings.

This bill would, in those 2 circumstances, delete the requirement that all subject agencies consent in writing to a waiver of protest proceedings in order for the commission to waive proceedings *and instead, add the requirement that all subject agencies have not submitted written opposition to a waiver of protest proceedings.*

(2) Existing law requires the board of supervisors of a county to include in the Local Appointments List all appointments of public members and alternate public members made to the local agency formation commission pursuant to specified provisions of the act. Existing law requires the board of supervisors, whenever an unscheduled vacancy occurs in a local agency formation commission, to cause a special vacancy notice to be posted and provides that a final appointment to fill the vacancy may not be made for at least 10 working days after the posting of the notice.

This bill would require the commission, whenever a vacancy occurs in the public member or alternate public member position, in addition to posting a notice, to send a copy of the notice to the clerk or secretary of the legislative body of each local agency within the county. This bill would provide that a final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

(3) Existing law requires the commission to adopt a proposed budget by May 1 and a final budget by June 15 and prescribes the apportionment for the net operating expenses of a local agency formation commission among the county and the cities and special districts within the county. Existing law authorizes the board of supervisors to loan the commission funds if, during the fiscal year, the commission is without adequate funds to operate and to recover those funds in the commission's budget for the following fiscal year.

This bill, instead of authorizing the board of supervisors to recover the funds, would require the commission to appropriate sufficient funds in its budget for the subsequent fiscal year to repay the loan.

(4) Existing law requires the commission to develop and determine the sphere of influence of each local governmental agency with the county. For any sphere of influence or a sphere of influence that

includes a special district, the commission is required to perform certain duties.

This bill would require on or before January 1, 2008, and every 5 years thereafter, the commission, as necessary, to review, revise, and update each sphere of influence.

(5) Existing law provides that where a change of organization consists of a dissolution, disincorporation, consolidation, or merger, the commission within a prescribed time period is required to make a finding regarding the value of written protests and take the action of terminating the proceedings, ordering the change of organization subject to confirmation of the voters or landowners, except under specified circumstances, or ordering a change of organization without an election if the change of organization meets specified requirements of existing law.

This bill would delete the prescribed time period by which the commission is to make a finding with regard to the protests and eliminate the option to terminate the proceeding.

(6) Existing law authorizes the City of Willits, upon approval of the commission, to annex noncontiguous territory not exceeding 3,100 acres in an area that is located within the same county as that in which the city is situated, and that is owned by the city and is being used for municipal water purposes at the time preliminary proceedings are initiated.

This bill would authorize the City of Willits and the City of Arcata to annex noncontiguous territory, as described, that is being used for municipal water purposes, wildlife habitat, or sustainable forestry that is subject to an adopted city forest management plan at the time preliminary proceedings are initiated.

~~(2)~~

(7) Existing law permits any owner of land or registered voter within inhabited territory proposed to be annexed or detached, or any owner of land within uninhabited territory proposed to be annexed or detached to file a written protest against the annexation or detachment at any time prior to the conclusion of the noticed protest. Upon the conclusion of the protest hearing the commission is required to determine the value of written protests filed and not withdrawn.

This bill instead would permit the filing of those written protests with respect to territory that is the subject of a proposed change of organization or reorganization.

~~(3)~~

(8) Existing law specifies how required notice shall be mailed with respect to the proceedings of a local agency formation commission.

This bill would make technical changes to certain mailed notice requirements *and would make other technical changes.*

(9) *By increasing the duties of local officials and the local agency formation commission as described above, this bill would impose a state-mandated local program.*

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Section 54975 of the Government Code is
2 repealed.

3 ~~54975. (a) The board of supervisors shall include in the~~
4 ~~Local Appointments List prepared pursuant to Section 54972 all~~
5 ~~appointments of public members and alternate public members~~
6 ~~made to the local agency formation commission pursuant to~~
7 ~~Chapter 2 (commencing with Section 56325) of Part 2 of~~
8 ~~Division 3.~~

9 ~~(b) Whenever an unscheduled vacancy occurs in a local~~
10 ~~agency formation commission, the board of supervisors shall~~
11 ~~cause a special vacancy notice to be posted as provided in~~
12 ~~Section 54974. Final appointment to fill the vacancy may not be~~
13 ~~made by the appointing body for at least 10 working days after~~
14 ~~the posting of the notice.~~

15 SECTION 1.—

16 SEC. 2. Section 56157 of the Government Code is amended
17 to read:

18 56157. When mailed notice is required to be given to:

19 (a) A county, city, or district, it shall be addressed to the clerk
20 of the county, city, or district.

1 (b) A commission, it shall be addressed to the executive
2 officer.

3 (c) Proponents, it shall be addressed to the persons so
4 designated in the petition at the address specified in the petition.

5 (d) Landowners, it shall be addressed to each person to whom
6 land is assessed, as shown upon the most recent assessment roll
7 being prepared by the county at the time the proponent adopts a
8 resolution of application pursuant to Section 56654 or files a
9 notice of intention to circulate a petition with the executive
10 officer pursuant to subdivision (a) of Section 56700.4, at the
11 address shown upon the assessment roll and to all landowners
12 within 300 feet of the exterior boundary of the property that is
13 the subject of the hearing at least 21 days prior to the hearing.
14 This requirement may be waived if proof satisfactory to the
15 commission is presented that shows that individual notices to
16 landowners have already been provided by the initiating agency.
17 Notice also shall be either posted or published in accordance with
18 Section 56153 in a newspaper of general circulation that is
19 circulated within the affected territory 21 days prior to the
20 hearing.

21 (e) Persons requesting special notice, it shall be addressed to
22 each person who has filed a written request for special notice
23 with the executive officer or clerk at the mailing address
24 specified in the request.

25 (f) To all registered voters within the affected territory, to the
26 address as shown on the most recent index of affidavits prepared
27 by the county elections official at the time the proponent adopts a
28 resolution of application pursuant to Section 56654 or files a
29 notice of intention to circulate a petition with the executive
30 officer pursuant to subdivision (a) of Section 56700.4 and to all
31 registered voters within 300 feet of the exterior boundary of the
32 property that is the subject of the hearing at least 21 days prior to
33 the hearing. This requirement may be waived if proof satisfactory
34 to the commission is presented that shows that individual notices
35 to registered voters have already been provided by the initiating
36 agency. Notice shall also either be posted or published in
37 accordance with Section 56153 in a newspaper of general
38 circulation that is circulated within the affected territory 21 days
39 prior to the hearing.

1 (g) If the total number of notices required to be mailed in
2 accordance with subdivisions (d) and (f) exceeds 1,000, then
3 notice may instead be provided pursuant to paragraph (3) of
4 subdivision (a) of Section 65091.

5 *SEC. 3. Section 56325 of the Government Code is amended to*
6 *read:*

7 56325. There is hereby continued in existence in each county
8 a local agency formation commission. Except as otherwise
9 provided in this chapter, the commission shall consist of
10 members selected as follows:

11 (a) Two appointed by the board of supervisors from their own
12 membership. The board of supervisors shall appoint a third
13 supervisor who shall be an alternate member of the commission.
14 The alternate member may serve and vote in place of any
15 supervisor on the commission who is absent or who disqualifies
16 himself or herself from participating in a meeting of the
17 commission.

18 If the office of a regular county member becomes vacant, the
19 alternate member may serve and vote in place of the former
20 regular county member until the appointment and qualification of
21 a regular county member to fill the vacancy.

22 (b) Two selected by the cities in the county, each of whom
23 shall be a mayor or council member, appointed by the city
24 selection committee. The city selection committee shall also
25 designate one alternate member who shall be appointed and serve
26 pursuant to Section 56335. The alternate shall also be a mayor or
27 council member. The city selection committee is encouraged to
28 select members to fairly represent the diversity of the cities in the
29 county, with respect to population and geography.

30 (c) Two presiding officers or members of legislative bodies of
31 independent special districts selected by the independent special
32 district selection committee pursuant to Section 56332. The
33 independent special district selection committee shall also
34 designate a presiding officer or member of the legislative body of
35 an independent special district as an alternative member who
36 shall be appointed and serve pursuant to Section 56332. The
37 independent special district selection committee is encouraged to
38 make selections that fairly represent the diversity of the
39 independent special districts in the county, with respect to
40 population and geography.

1 (d) One representing the general public appointed by the other
2 members of the commission. The other members of the
3 commission may also designate one alternate member who shall
4 be appointed and serve pursuant to Section 56331. Selection of
5 the public member and alternate public member shall be subject
6 to the affirmative vote of at least one of the members selected by
7 each of the other appointing authorities. *Whenever a vacancy*
8 *occurs in the public member or alternate public member*
9 *position, the commission shall cause a notice of vacancy to be*
10 *posted as provided in Section 56158. A copy of this notice shall*
11 *be sent to the clerk or secretary of the legislative body of each*
12 *local agency within the county. Final appointment to fill the*
13 *vacancy may not be made for at least 21 days after the posting of*
14 *the notice.*

15 SEC. 4. Section 56381 of the Government Code is amended to
16 read:

17 56381. (a) The commission shall adopt annually, following
18 noticed public hearings, a proposed budget by May 1 and final
19 budget by June 15. At a minimum, the proposed and final budget
20 shall be equal to the budget adopted for the previous fiscal year
21 unless the commission finds that reduced staffing or program
22 costs will nevertheless allow the commission to fulfill the
23 purposes and programs of this chapter. The commission shall
24 transmit its proposed and final budgets to the board of
25 supervisors; to each city; to the clerk and chair of the city
26 selection committee, if any, established in each county pursuant
27 to Article 11 (commencing with Section 50270) of Chapter 1 of
28 Part 1 of Division 1; to each independent special district; and to
29 the clerk and chair of the independent special district selection
30 committee, if any, established pursuant to Section 56332.

31 (b) After public hearings, consideration of comments, and
32 adoption of a final budget by the commission pursuant to
33 subdivision (a), the auditor shall apportion the net operating
34 expenses of a commission in the following manner:

35 (1) (A) In counties in which there is city and independent
36 special district representation on the commission, the county,
37 cities, and independent special districts shall each provide a
38 one-third share of the commission's operational costs.

39 (B) The cities' share shall be apportioned in proportion to each
40 city's total revenues, as reported in the most recent edition of the

1 Cities Annual Report published by the Controller, as a
2 percentage of the combined city revenues within a county, or by
3 an alternative method approved by a majority of cities
4 representing the majority of the combined cities' populations.

5 (C) The independent special districts' share shall be
6 apportioned in proportion to each district's total revenues as a
7 percentage of the combined total district revenues within a
8 county. Except as provided in subparagraph (D), an independent
9 special district's total revenue shall be calculated for
10 nonenterprise activities as total revenues for general purpose
11 transactions less revenue category aid from other governmental
12 agencies and for enterprise activities as total operating and
13 nonoperating revenues less revenue category other governmental
14 agencies, as reported in the most recent edition of the "Special
15 Districts Annual Report" published by the Controller, or by an
16 alternative method approved by a majority of the agencies,
17 representing a majority of their combined populations. For the
18 purposes of fulfilling the requirement of this section, a
19 multicounty independent special district shall be required to pay
20 its apportionment in its principal county. It is the intent of the
21 Legislature that no single district or class or type of district shall
22 bear a disproportionate amount of the district share of costs.

23 (D) (i) For purposes of apportioning costs to a health care
24 district formed pursuant to Division 23 (commencing with
25 Section 32000) of the Health and Safety Code that operates a
26 hospital, a health care district's share, except as provided in
27 clauses (ii) and (iii), shall be apportioned in proportion to each
28 district's net from operations as reported in the most recent
29 edition of the hospital financial disclosure report form published
30 by the Office of Statewide Health Planning and Development, as
31 a percentage of the combined independent special districts' net
32 operating revenues within a county.

33 (ii) A health care district for which net from operations is a
34 negative number may not be apportioned any share of the
35 commission's operational costs until the fiscal year following
36 positive net from operations, as reported in the most recent
37 edition of the hospital financial disclosure report form published
38 by the Office of Statewide Health Planning and Development.

39 (iii) A health care district that has filed and is operating under
40 public entity bankruptcy pursuant to federal bankruptcy law,

1 shall not be apportioned any share of the commission's
2 operational costs until the fiscal year following its discharge from
3 bankruptcy.

4 (iv) As used in this subparagraph "net from operations" means
5 total operating revenue less total operating expenses.

6 (E) Notwithstanding the requirements of subparagraph (C), the
7 independent special districts' share may be apportioned by an
8 alternative method approved by a majority of the districts,
9 representing a majority of the combined populations. However,
10 in no event shall an individual district's apportionment exceed
11 the amount that would be calculated pursuant to subparagraphs
12 (C) and (D), or in excess of 50 percent of the total independent
13 special districts' share, without the consent of that district.

14 (F) Notwithstanding the requirements of subparagraph (C), no
15 independent special district shall be apportioned a share of more
16 than 50 percent of the total independent special districts' share of
17 the commission's operational costs, without the consent of the
18 district as otherwise provided in this section. In those counties in
19 which a district's share is limited to 50 percent of the total
20 independent special districts' share of the commission's
21 operational costs, the share of the remaining districts shall be
22 increased on a proportional basis so that the total amount for all
23 districts equals the share apportioned by the auditor to
24 independent special districts.

25 (2) In counties in which there is no independent special district
26 representation on the commission, the county and its cities shall
27 each provide a one-half share of the commission's operational
28 costs. The cities' share shall be apportioned in the manner
29 described in paragraph (1).

30 (3) In counties in which there are no cities, the county and its
31 special districts shall each provide a one-half share of the
32 commission's operational costs. The independent special
33 districts' share shall be apportioned in the manner described for
34 cities' apportionment in paragraph (1). If there is no independent
35 special district representation on the commission, the county
36 shall pay all of the commission's operational costs.

37 (4) Instead of determining apportionment pursuant to
38 paragraph (1), (2), or (3), any alternative method of
39 apportionment of the net operating expenses of the commission
40 may be used if approved by a majority vote of each of the

1 following: the board of supervisors; a majority of the cities
2 representing a majority of the total population of cities in the
3 county; and the independent special districts representing a
4 majority of the combined total population of independent special
5 districts in the county. However, in no event shall an individual
6 district's apportionment exceed the amount that would be
7 calculated pursuant to subparagraphs (C) and (D) of paragraph
8 (1), or in excess of 50 percent of the total independent special
9 districts' share, without the consent of that district.

10 (c) After apportioning the costs as required in subdivision (b),
11 the auditor shall request payment from the board of supervisors
12 and from each city and each independent special district no later
13 than July 1 of each year for the amount that entity owes and the
14 actual administrative costs incurred by the auditor in
15 apportioning costs and requesting payment from each entity. If
16 the county, a city, or an independent special district does not
17 remit its required payment within 60 days, the commission may
18 determine an appropriate method of collecting the required
19 payment, including a request to the auditor to collect an
20 equivalent amount from the property tax, or any fee or eligible
21 revenue owed to the county, city, or district. The auditor shall
22 provide written notice to the county, city, or district prior to
23 appropriating a share of the property tax or other revenue to the
24 commission for the payment due the commission pursuant to this
25 section. Any expenses incurred by the commission or the auditor
26 in collecting late payments or successfully challenging
27 nonpayment shall be added to the payment owed to the
28 commission. Between the beginning of the fiscal year and the
29 time the auditor receives payment from each affected city and
30 district, the board of supervisors shall transmit funds to the
31 commission sufficient to cover the first two months of the
32 commission's operating expenses as specified by the
33 commission. When the city and district payments are received by
34 the commission, the county's portion of the commission's annual
35 operating expenses shall be credited with funds already received
36 from the county. If, at the end of the fiscal year, the commission
37 has funds in excess of what it needs, the commission may retain
38 those funds and calculate them into the following fiscal year's
39 budget. If, during the fiscal year, the commission is without
40 adequate funds to operate, the board of supervisors may loan the

1 ~~commission funds and recover those funds in the commission's~~
2 ~~budget for the following fiscal year. funds. The commission shall~~
3 ~~appropriate sufficient funds in its budget for the subsequent fiscal~~
4 ~~year to repay the loan.~~

5 SEC. 5. Section 56425 of the Government Code is amended to
6 read:

7 56425. (a) In order to carry out its purposes and
8 responsibilities for planning and shaping the logical and orderly
9 development and coordination of local governmental agencies so
10 as to advantageously provide for the present and future needs of
11 the county and its communities, the commission shall develop
12 and determine the sphere of influence of each local governmental
13 agency within the county and enact policies designed to promote
14 the logical and orderly development of areas within the sphere.

15 (b) At least 30 days prior to submitting an application to the
16 commission for a determination of a new sphere of influence, or
17 to update an existing sphere of influence for a city,
18 representatives from the city shall meet with county
19 representatives to discuss the proposed sphere, and its
20 boundaries, and explore methods to reach agreement on the
21 boundaries, development standards, and zoning requirements
22 within the sphere to ensure that development within the sphere
23 occurs in a manner that reflects the concerns of the affected city
24 and is accomplished in a manner that promotes the logical and
25 orderly development of areas within the sphere. If no agreement
26 is reached between the city and county within 30 days, then the
27 parties may, by mutual agreement, extend discussions for an
28 additional period of 30 days. If an agreement is reached between
29 the city and county regarding the boundaries, development
30 standards, and zoning requirements within the proposed sphere,
31 the agreement shall be forwarded to the commission, and the
32 commission shall consider and adopt a sphere of influence for the
33 city consistent with the policies adopted by the commission
34 pursuant to this section, and the commission shall give great
35 weight to the agreement in the commission's final determination
36 of the city sphere.

37 (c) If the commission's final determination is consistent with
38 the agreement reached between the city and county pursuant to
39 subdivision (b), the agreement shall be adopted by both the city
40 and county after a noticed public hearing. Once the agreement

1 has been adopted by the affected local agencies and their
2 respective general plans reflect that agreement, then any
3 development approved by the county within the sphere shall be
4 consistent with the terms of that agreement.

5 (d) If no agreement is reached pursuant to subdivision (b), the
6 application may be submitted to the commission and the
7 commission shall consider a sphere of influence for the city
8 consistent with the policies adopted by the commission pursuant
9 to this section.

10 (e) In determining the sphere of influence of each local
11 agency, the commission shall consider and prepare a written
12 statement of its determinations with respect to each of the
13 following:

14 (1) The present and planned land uses in the area, including
15 agricultural and open-space lands.

16 (2) The present and probable need for public facilities and
17 services in the area.

18 (3) The present capacity of public facilities and adequacy of
19 public services that the agency provides or is authorized to
20 provide.

21 (4) The existence of any social or economic communities of
22 interest in the area if the commission determines that they are
23 relevant to the agency.

24 (f) Upon determination of a sphere of influence, the
25 commission shall adopt that sphere, and shall review and update,
26 as necessary, the adopted sphere not less than once every five
27 years.

28 (g) *On or before January 1, 2008, and every five years*
29 *thereafter, the commission shall, as necessary, review, revise,*
30 *and update each sphere of influence.*

31 (h) The commission may recommend governmental
32 reorganizations to particular agencies in the county, using the
33 spheres of influence as the basis for those recommendations.
34 Those recommendations shall be made available, upon request,
35 to other agencies or to the public. The commission shall make all
36 reasonable efforts to ensure wide public dissemination of the
37 recommendations.

38 (i)

1 (i) When adopting, amending, or updating a sphere of
2 influence for a special district, the commission shall do all of the
3 following:

4 (1) Require existing districts to file written statements with the
5 commission specifying the functions or classes of services
6 provided by those districts.

7 (2) Establish the nature, location, and extent of any functions
8 or classes of services provided by existing districts.

9 (i)

10 (j) Subdivisions (b), (c), and (d) shall become inoperative as of
11 January 1, 2007, unless a later enacted statute, that becomes
12 operative on or before January 1, 2007, deletes or extends that
13 date.

14 ~~SEC. 2.—~~

15 *SEC. 6.* Section 56663 of the Government Code is amended
16 to read:

17 56663. (a) If a petition for an annexation, a detachment, or a
18 reorganization consisting solely of annexations or detachments,
19 or both, or the formation of a county service area is signed by all
20 of the owners of land within the affected territory of the proposed
21 change of organization or reorganization, or if a resolution of
22 application by a legislative body of an affected district, affected
23 county, or affected city making a proposal for an annexation or
24 detachment, or for a reorganization consisting solely of
25 annexations or detachments, or both, or the formation of a county
26 service area is accompanied by proof, satisfactory to the
27 commission, that all the owners of land within the affected
28 territory have given their written consent to that change of
29 organization or reorganization, the commission may approve or
30 disapprove the change of organization or reorganization, without
31 notice and hearing by the commission. In those cases, the
32 commission may also approve and conduct proceedings for the
33 change of organization or reorganization under any of the
34 following conditions:

35 (1) Without notice and hearing.

36 (2) Without an election.

37 (3) Without notice, hearing, or an election.

38 (b) The executive officer shall give any affected agency
39 mailed notice of the filing of the petition or resolution of
40 application initiating proceedings by the commission. The

1 commission shall not, without the written consent of the subject
2 agency, take any further action on the petition or resolution of
3 application for 10 days following that mailing. Upon written
4 demand by an affected local agency, filed with the executive
5 officer during that 10-day period, the commission shall make
6 determinations upon the petition or resolution of application only
7 after notice and hearing on the petition or resolution of
8 application. If no written demand is filed, the commission may
9 make those determinations without notice and hearing. By
10 written consent, which may be filed with the executive officer at
11 any time, a subject agency may do any of the following:

12 (1) Waive the requirement of mailed notice.

13 (2) Consent to the commission making determinations without
14 notice and hearing.

15 (3) Waive the requirement of mailed notice and consent to the
16 commission making determinations without notice and hearing.

17 (c) In the case of uninhabited territory, the commission may
18 waive protest proceedings pursuant to Part 4 (commencing with
19 Section 57000) entirely if *both of the following apply*:

20 ~~all~~

21 (1) *All* the owners of land within the affected territory have
22 given their written consent to the change of organization or
23 reorganization.

24 (2) *All subject agencies have not submitted written opposition*
25 *to a waiver of protest proceedings.*

26 (d) In the case of inhabited city and district annexations or
27 detachments, or both, the commission may waive protest
28 proceedings pursuant to Part 4 (commencing with Section 57000)
29 entirely if *both of the following conditions apply*:

30 ~~the~~

31 (1) *The* commission has provided written notice of
32 commission proceedings to all registered voters and landowners
33 within the affected territory and no written opposition from
34 registered voters or landowners within the affected territory is
35 received prior to the conclusion of the commission meeting. The
36 written notice shall disclose to the registered voters and
37 landowners that unless written opposition is received regarding
38 the proposal or the commission's intention to waive protest
39 proceedings, that there will be no subsequent protest and election
40 proceedings.

1 (2) *All subject agencies have not submitted written opposition*
2 *to a waiver of protest proceedings.*

3 SEC. 7. *Section 56743 of the Government Code is amended to*
4 *read:*

5 56743. (a) Notwithstanding Section 56741, upon approval of
6 the commission a city may annex noncontiguous territory not
7 exceeding 3,100 acres in area, which is located in the same
8 county as that in which the city is situated, and which is owned
9 by the city and is being used for municipal water purposes,
10 *wildlife habitat, or sustainable forestry that is subject to an*
11 *adopted city forest management plan* at the time preliminary
12 proceedings are initiated pursuant to this part. If, after the
13 completion of the annexation, the city sells that territory or any
14 part thereof, all of that territory ~~which~~ *that* is no longer owned by
15 the city shall cease to be a part of the city.

16 (b) If territory is annexed pursuant to this section, the
17 annexing city may not annex any territory not owned by it and
18 not contiguous to it although that territory is contiguous to the
19 territory annexed pursuant to this section.

20 (c) When territory ceases to be part of a city pursuant to this
21 section, the legislative body of the city shall adopt a resolution
22 confirming the detachment of that territory from the city. The
23 resolution shall describe the detached territory and shall be
24 accompanied by a map indicating the territory. Immediately upon
25 adoption of the resolution, the city clerk shall make any filing
26 provided for by Chapter 8 (commencing with Section 57200) of
27 Part 4.

28 (d) If territory annexed to a city pursuant to this section
29 becomes contiguous to the city, the limitations imposed by this
30 section shall cease to apply.

31 (e) If territory is annexed pursuant to this section, it shall be
32 used only for municipal water purposes, *wildlife habitat, or*
33 *sustainable forestry that is subject to an adopted city forest*
34 *management plan*. The city may, however, enter into agreements
35 to lease the land for timber production or grazing by animals. If
36 the territory is used by the city for any other purpose at any time,
37 it shall cease to be a part of the city.

38 (f) This section applies only to the City of Willits *and the City*
39 *of Arcata.*

1 *SEC. 8. Section 57000 of the Government Code is amended to*
2 *read:*

3 57000. (a) After adoption of a resolution making
4 determinations by the commission pursuant to Part 3
5 (commencing with Section 56650), protest proceedings for a
6 change of organization or reorganization *not described in Section*
7 57077 shall be taken pursuant to this part.

8 (b) If a proposal is approved by the commission, with or
9 without amendment, wholly, partially, or conditionally, the
10 commission shall conduct proceedings in accordance with this
11 part. The proceedings shall be conducted and completed pursuant
12 to those provisions ~~which~~ *that* are applicable to the proposal and
13 the territory contained in the proposal as it is approved by the
14 commission. If the commission approves the proposal with
15 modifications or conditions, proceedings shall be conducted and
16 completed in compliance with those modifications or conditions.

17 (c) Any reference in this part to the commission also means
18 the executive officer for any function ~~which~~ *that* the executive
19 officer will perform pursuant to a delegation of authority from
20 the commission.

21 (d) When the commission makes a determination pursuant to
22 this division that will require an election to be conducted, it shall
23 inform the board of supervisors or the city council of the affected
24 city of that determination and request the board or the city
25 council to direct the elections official to conduct the necessary
26 election.

27 (e) When a board of supervisors or a city council is informed
28 by the commission that a determination has been made ~~which~~
29 *that* requires an election, it shall direct the elections official to
30 conduct the necessary election. The board or council shall do all
31 of the following:

32 (1) Call, provide for, and give notice of a special election or
33 elections upon that question.

34 (2) Fix a date of election.

35 (3) Designate precincts and polling places.

36 (4) Take any other action necessary to call, provide for, and
37 give notice of the special election or elections and to provide for
38 the conduct and the canvass of returns of the election, as
39 determined by the commission.

1 (f) Any provision in this part ~~which~~ *that* requires that an
2 election be called, held, provided for, or conducted shall mean
3 that the procedures specified in subdivisions (d) and (e) shall be
4 followed.

5 ~~SEC. 3.—~~

6 *SEC. 9.* Section 57051 of the Government Code is amended
7 to read:

8 57051. At any time prior to the conclusion of the protest
9 hearing in the notice given by the executive officer, but not
10 thereafter, any owner of land or any registered voter within
11 inhabited territory that is the subject of a proposed change of
12 organization or reorganization, or any owner of land within
13 uninhabited territory that is the subject of a proposed change of
14 organization or reorganization, may file a written protest against
15 the change of organization or reorganization. Each written protest
16 shall state whether it is made by a landowner or registered voter
17 and the name and address of the owner of the land affected and
18 the street address or other description sufficient to identify the
19 location of the land or the name and address of the registered
20 voter as it appears on the affidavit of registration. Protests may
21 be made on behalf of an owner of land by an agent authorized in
22 writing by the owner to act as agent with respect to that land.
23 Protests may be made on behalf of a private corporation which is
24 an owner of land by any officer or employee of the corporation
25 without written authorization by the corporation to act as agent in
26 making that protest.

27 Each written protest shall show the date that each signature
28 was affixed to the protest. All signatures without a date or
29 bearing a date prior to the date of publication of the notice shall
30 be disregarded for purposes of ascertaining the value of any
31 written protests.

32 *SEC. 10.* Section 57077 of the Government Code is amended
33 to read:

34 57077. (a) Where a change of organization consists of a
35 dissolution, disincorporation, incorporation, establishment of a
36 subsidiary district, consolidation, or merger, the commission, ~~not~~
37 ~~more than 30 days after the conclusion of the hearing, shall make~~
38 ~~a finding regarding the value of written protests filed and not~~
39 ~~withdrawn, and take one of the following actions: shall do either~~
40 *of the following:*

1 ~~(1) Terminate proceedings if a majority protest exists in~~
 2 ~~accordance with Section 57078.~~

3 ~~(2)~~

4 (1) Order the change of organization subject to confirmation
 5 of the voters, or in the case of a landowner-voter district, subject
 6 to confirmation by the landowners, unless otherwise stated in the
 7 formation provisions of the enabling statute of the district or
 8 otherwise authorized pursuant to Section 56854.

9 ~~(3)~~

10 (2) Order the change of organization without election if it is a
 11 change of organization that meets the requirements of Section
 12 56854, 57081, 57102, or 57107; otherwise, the commission shall
 13 take the action specified in paragraph ~~(2)~~ (1).

14 (b) Where a reorganization consists of one or more
 15 dissolutions, incorporations, formations, disincorporations,
 16 mergers, establishments of subsidiary districts, consolidations, or
 17 any combination of those proposals, the commission, ~~not more~~
 18 ~~than 30 days after the conclusion of the hearing, shall make a~~
 19 ~~finding regarding the value of written protests filed and not~~
 20 ~~withdrawn and take one of the following actions: shall do either~~
 21 ~~of the following:~~

22 ~~(1) Terminate proceedings if a majority protest exists in~~
 23 ~~accordance with Section 57078.~~

24 ~~(2)~~

25 (1) Order the reorganization subject to confirmation of the
 26 voters, or in the case of landowner-voter districts, subject to
 27 confirmation by the landowners, unless otherwise authorized
 28 pursuant to Section 56854.

29 ~~(3)~~

30 (2) Order the reorganization without election if it is a
 31 reorganization that meets the requirements of Section 56854,
 32 57081, 57102, 57107, or 57111; otherwise, the commission shall
 33 take the action specified in paragraph ~~(2)~~ (1).

34 *SEC. 11. Section 13801 of the Public Utilities Code is*
 35 *amended to read:*

36 13801. Any public agency not included within the boundaries
 37 of a district may be annexed ~~thereto~~ *to the district* in the manner
 38 provided in this chapter or in the ~~District Reorganization Act of~~
 39 ~~1965 (commencing at Section 56000, Cortese-Knox-Hertzberg~~
 40 *Local Government Reorganization Act of 2000 (Division 3*

1 (*commencing with Section 56000*) of the Government Code).
2 When proceedings for ~~such~~ an annexation are taken pursuant to
3 this chapter, only the provisions of this chapter shall apply
4 ~~thereto~~ to that annexation.

5 *SEC. 12. Section 14051 of the Public Utilities Code is*
6 *amended to read:*

7 14051. Unincorporated territory may be annexed to a district
8 in the manner provided in the ~~District Reorganization Act of~~
9 ~~1965 (commencing at Section 56000; Cortese-Knox-Hertzberg~~
10 *Local Government Reorganization Act of 2000 (Division 3*
11 *(commencing with Section 56000) of the Government Code).*

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