

AMENDED IN ASSEMBLY JANUARY 14, 2010

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 419**

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**Introduced by Assembly Member Caballero**

February 23, 2009

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An act to amend Sections 57000, 57132, and 57132.5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 419, as amended, Caballero. Local government: change of organization or reorganization: elections.

Existing law requires a local agency formation commission to inform a board of supervisors or a city council when the commission makes a determination that will require an election to be conducted by that board or council, and requires the board of supervisors or the city council to direct the elections official to conduct the necessary election, as specified.

This bill would, *beginning January 1, 2011*, require the board of supervisors or the city council to take action, to order and place the item on the ballot, within 45 days of notification by the local agency formation commission, and would require the elections official to place the item on the ballot at the next regular election if the board of supervisors or the city council fails to take action within 45 days of the notification. This bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 57000 of the Government Code is  
2 amended to read:

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

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

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

20 (d) When the commission makes a determination pursuant to  
21 this division that will require an election to be conducted, it shall  
22 inform the board of supervisors and the elections official of the  
23 affected county, or the city council and the elections official of the  
24 affected 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) (1) When a board of supervisors or a city council is informed  
28 by the commission that a determination has been made that requires  
29 an election, it shall, within 45 days of receipt of the notification,  
30 direct the elections official to conduct the necessary election. The  
31 board or council shall do all of the following:

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

34 (B) Fix a date of election.

35 (C) Designate precincts and polling places.

36 (D) Take any other action necessary to call, provide for, and  
37 give notice of the special election or elections and to provide for

1 the conduct and the canvass of returns of the election, as  
2 determined by the commission.

3 (2) If, within 45 days of receipt of the notification, the board of  
4 supervisors or the city council fails to direct the elections official  
5 to conduct the election pursuant to paragraph (1), the elections  
6 official shall place the item on the ballot for the next regular  
7 election.

8 (3) ~~This~~ *The 45-day requirement established by this subdivision*  
9 shall not apply to any application filed with a commission prior  
10 to January 1, 2011.

11 (f) Any provision in this part that requires that an election be  
12 called, held, provided for, or conducted shall mean that the  
13 procedures specified in subdivisions (d) and (e) shall be followed.

14 SEC. 2. Section 57132 of the Government Code is amended  
15 to read:

16 57132. The election on the question of the change of  
17 organization or reorganization shall be called pursuant to Section  
18 57000 and held on the next regular election date occurring at least  
19 88 days after the date upon which the resolution calling the election  
20 was adopted. This section does not apply to any election conducted  
21 solely by mailed ballot pursuant to Chapter 1 (commencing with  
22 Section 4000) of Division 4 of the Elections Code.

23 SEC. 3. Section 57132.5 of the Government Code is amended  
24 to read:

25 57132.5. Notwithstanding Section 57132, the election on the  
26 question of a special reorganization shall be called pursuant to  
27 Section 57000 and held at the next regular primary or general  
28 election occurring in an even-numbered year at least 88 days after  
29 the date on which the resolution calling the election was adopted.