

AMENDED IN ASSEMBLY APRIL 4, 2011  
AMENDED IN ASSEMBLY FEBRUARY 28, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 46**

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**Introduced by Assembly Member John A. Pérez  
(Principal coauthor: Assembly Member Smyth)**

**(Coauthors: Assembly Members Achadjian, Alejo, Allen, Ammiano, Atkins, *Beall*, Bill Berryhill, Block, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Charles Calderon, Campos, Carter, Cedillo, Chesbro, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, *Galgiani*, Gatto, Gordon, Gorell, Grove, Halderman, Hall, Harkey, *Hayashi*, Roger Hernández, Hill, Huber, Hueso, Huffman, Jones, Knight, Lara, Logue, Bonnie Lowenthal, Ma, Miller, Mitchell, Mendoza, Monning, Nestande, Nielsen, Norby, Olsen, Pan, Perea, V. Manuel Pérez, Portantino, *Silva*, Skinner, Solorio, *Swanson*, Torres, Wagner, Wieckowski, Williams, and Yamada)**

**(Coauthors: Senators Alquist, Calderon, Correa, De León, DeSaulnier, Evans, Hancock, Hernández, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, and Yee)**

December 6, 2010

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An act to add Section 56668.6 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, John A. Pérez. Local government: cities.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the procedures for incorporations and changes of organizations of cities, including procedures for disincorporation.

This bill would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into ~~those cities~~<sup>that city's</sup> respective ~~counties~~<sup>county</sup> as of ~~90~~<sup>91</sup> days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within ~~that~~<sup>the</sup> 90-day period *following enactment of these provisions*, that continuing such a city within that county's boundaries would serve a public purpose ~~because the location of the city, in a rural or isolated location,~~<sup>if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another forum</sup> form of local governance. *The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified.*

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 56668.6 is added to the Government  
 2 Code, to read:  
 3 56668.6. (a) Notwithstanding ~~the~~ procedures for  
 4 ~~disincorporation set forth in this division~~ Chapter 1 (commencing  
 5 with Section 56650) and Chapter 2 (commencing with Section  
 6 56700) of Part 3, and Part 4 (commencing with Section 57000),  
 7 every city with a population of ~~less~~<sup>fewer</sup> than 150 persons,  
 8 according to the official records of the Department of Finance, as  
 9 of January 1, 2010, is hereby disincorporated *into that city's*  
 10 *respective County* as of ~~90~~<sup>91</sup> days after the effective date of the  
 11 act adding this section, ~~into those cities' respective counties,~~  
 12 as provided by subdivision (b).  
 13 (b) A county board of supervisors may determine, by majority  
 14 vote, within 90 days of the effective date of the act adding this  
 15 section, that continuing a city within that county's boundaries that  
 16 would otherwise be disincorporated pursuant to subdivision (a)  
 17 would serve a public purpose ~~because the location of the city, in~~  
 18 ~~a rural or~~<sup>if the board of supervisors finds, on the basis of</sup>

1 *substantial evidence on the record before it, that the city is in an*  
2 *isolated location, rural location that makes it impractical for the*  
3 *residents of the community to organize in another form of*  
4 *local governance. If a county board of supervisors votes, pursuant*  
5 *to this subdivision, to continue a city in existence, the that city*  
6 *shall not be disincorporated and shall continue as a general law or*  
7 *charter city.*

8 *(c) If a city is disincorporated pursuant to subdivision (a), the*  
9 *requirements of Chapter 5 (commencing with Section 57400) of*  
10 *Part 5 shall apply and shall be overseen by the commission. The*  
11 *commission's authority shall include, but is not limited to, the*  
12 *power to enforce the requirements of that chapter pursuant to*  
13 *Section 1085 of the Code of Civil Procedure.*