

ASSEMBLY BILL

No. 555

Introduced by Assembly Member Norby

February 16, 2011

An act to amend Section 56658 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 555, as introduced, Norby. Local agency formation.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation, change of organization, and reorganization of cities and special districts.

This bill would make technical, nonsubstantive changes to the act.

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 56658 of the Government Code is
2 amended to read:
3 56658. (a) Any petitioner or legislative body desiring to initiate
4 proceedings shall submit an application to the executive officer of
5 the principal county.
6 (b) (1) Immediately after receiving an application and before
7 issuing a certificate of filing, the executive officer shall give mailed
8 notice that the application has been received to each interested
9 agency and each subject agency, the county committee on school
10 district organization, and each school superintendent whose school
11 district overlies the subject area. The notice shall generally describe

1 the proposal and the affected territory. The executive officer shall
2 not be required to give notice pursuant to this subdivision if a local
3 agency has already given notice pursuant to subdivision (b) of
4 Section 56654.

5 (2) It is the intent of the Legislature that an incorporation
6 proposal shall be processed in a timely manner. With regard to an
7 application that includes an incorporation, the executive officer
8 shall immediately notify ~~all~~ *each* affected local ~~agencies~~ *agency*
9 and any applicable state ~~agencies~~ *agency* by mail and request the
10 affected agencies to submit the required data to the commission
11 within a reasonable timeframe established by the executive officer.
12 Each affected agency shall respond to the executive officer within
13 15 days acknowledging receipt of the request. Each affected local
14 agency and the officers and departments thereof shall submit the
15 required data to the executive officer within the timelines
16 established by the executive officer. Each affected state agency
17 and the officers and departments thereof shall submit the required
18 data to the executive officer within the timelines agreed upon by
19 the executive officer and the affected state departments.

20 (c) If a special district is, or as a result of a proposal will be,
21 located in more than one county, the executive officer of the
22 principal county shall immediately give the executive officer of
23 each other affected county mailed notice that the application has
24 been received. The notice shall generally describe the proposal
25 and the affected territory.

26 (d) Except when a commission is the lead agency pursuant to
27 Section 21067 of the Public Resources Code, the executive officer
28 shall determine within 30 days of receiving an application whether
29 the application is complete and acceptable for filing or whether
30 the application is incomplete.

31 (e) The executive officer shall not accept an application for
32 filing and issue a certificate of filing for at least 20 days after giving
33 the mailed notice required by subdivision (b). The executive officer
34 shall not be required to comply with this subdivision in the case
35 of an application ~~which~~ *that* meets the requirements of Section
36 56663, or in the case of an application ~~for which~~ *that* a local agency
37 has already given notice pursuant to subdivision (b) of Section
38 56654.

39 (f) If the appropriate fees have been paid, an application shall
40 be deemed accepted for filing if no determination has been made

1 by the executive officer within the 30-day period. An executive
2 officer shall accept for filing, and file, any application submitted
3 in the form prescribed by the commission and containing all of
4 the information and data required pursuant to Section 56652.

5 (g) When an application is accepted for filing, the executive
6 officer shall immediately issue a certificate of filing to the
7 applicant. A certificate of filing shall be in the form prescribed by
8 the executive officer and shall specify the date ~~upon which~~ *that*
9 the proposal shall be heard by the commission. From the date of
10 issuance of a certificate of filing, or the date ~~upon which~~ *that* an
11 application is deemed to have been accepted, whichever is earlier,
12 an application shall be deemed filed pursuant to this division.

13 (h) If an application is determined not to be complete, the
14 executive officer shall immediately transmit that determination to
15 the applicant specifying those parts of the application ~~which~~ *that*
16 are incomplete and the manner in which they can be made
17 complete.

18 (i) Following the issuance of the certificate of filing, the
19 executive officer shall proceed to set the proposal for hearing and
20 give published notice thereof as provided in this part. The date of
21 the hearing shall be not more than 90 days after issuance of the
22 certificate of filing or after the application is deemed to have been
23 accepted, whichever is earlier. Notwithstanding Section 56106,
24 the date for conducting the hearing, as determined pursuant to this
25 subdivision, ~~is~~ *shall be* mandatory.