

ASSEMBLY BILL

No. 1430

Introduced by Committee on Local Government (Assembly Members Smyth (Chair), Alejo (Vice Chair), Bradford, Campos, Davis, Gordon, Hueso, and Norby)

April 5, 2011

An act to amend Sections 56011, 56012, 56013, 56014, 56015, 56017, 56020, 56020.5, 56020.7, 56021, 56023, 56024, 56029, 56031, 56033, 56034, 56035, 56036, 56038, 56039, 56040, 56041, 56043, 56044, 56046, 56047, 56047.5, 56048, 56049, 56051, 56052, 56053, 56055, 56056, 56057, 56062, 56065, 56066, 56069, 56070, 56073, 56074, 56075, 56078, 56100, 56127, 56128, 56375, 56383, 56428, 56757, 56864, and 57114 of, to amend and renumber Sections 56376 and 56376.5 of, to add Sections 56017.1, 56017.2, 56020.6, 56032.5, 56036.5, 56036.6, 56050.5, 56069.5, and 56073.1 to, and to repeal Sections 56018, 56037, 56042, 56058, 56063, 56068, 56079, and 56080 of, the Government Code, and to amend Section 101370 of the Public Utilities Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1430, as introduced, Committee on Local Government. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 omnibus bill.

Existing law defines various terms for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

This bill would revise various definitions within that act, and would make other conforming and technical 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 56011 of the Government Code is
2 amended to read:

3 56011. “Affected city” means any city that ~~satisfies either of~~
4 ~~the following conditions:~~ *contains or would contain, or whose*
5 *sphere of influence contains or would contain, territory for which*
6 *a change of organization is proposed or ordered, either singularly*
7 *or as part of a reorganization.*

8 (a) ~~It contains, or its sphere of influence contains, territory for~~
9 ~~which a change of organization is proposed or ordered either~~
10 ~~singularly or as part of a reorganization.~~

11 (b) ~~It would contain the territory described in subdivision (a)~~
12 ~~as a result of proceedings for a change of organization or~~
13 ~~reorganization taken pursuant to this division.~~

14 SEC. 2. Section 56012 of the Government Code is amended
15 to read:

16 56012. “Affected county” means ~~each~~ *any* county ~~which~~ *that*
17 *contains, or would contain, any territory for which a change of*
18 *organization or reorganization is proposed or ordered either*
19 *singularly or as part of a reorganization or which that* contains
20 all or any part of a district for which a change of organization or
21 reorganization is proposed ~~or ordered~~ with respect to territory
22 outside that county.

23 SEC. 3. Section 56013 of the Government Code is amended
24 to read:

25 56013. “Affected district” means ~~a~~ *any* special district, as
26 defined by Section 56036, ~~which~~ *that* contains *or would contain,*
27 or whose sphere of influence contains *or would contain,* any
28 territory for which ~~a reorganization or~~ a change of organization is
29 proposed or ordered *either singularly or as part of a*
30 *reorganization.*

31 SEC. 4. Section 56014 of the Government Code is amended
32 to read:

33 56014. “Affected local agency” means any local agency ~~which~~
34 *that* contains, or would contain, or whose sphere of influence
35 contains *or would contain,* any territory ~~within any proposal or for~~

1 *which a change of organization is proposed or ordered, either*
2 *singularly or as part of a reorganization or for which a study is*
3 *to be reviewed by the commission.*

4 SEC. 5. Section 56015 of the Government Code is amended
5 to read:

6 56015. “Affected territory” means any territory for which a
7 change of organization or reorganization, *or sphere of influence*
8 *change*, is proposed or ordered.

9 SEC. 6. Section 56017 of the Government Code, as added by
10 Section 3 of Chapter 541 of the Statutes of 1985, is amended to
11 read:

12 56017. “Annexation” means ~~the annexation~~, inclusion,
13 attachment, or addition of territory to a city or district.

14 SEC. 7. Section 56017.1 is added to the Government Code, to
15 read:

16 56017.1. “Applicant” means a local agency or person or persons
17 that submits an application, as defined by Section 56017.2.

18 SEC. 8. Section 56017.2 is added to the Government Code, to
19 read:

20 56017.2. “Application” means any of the following:

21 (a) A resolution of application or petition initiating a change of
22 organization or reorganization with supporting documentation as
23 required by the commission or executive officer.

24 (b) A request for a sphere of influence amendment or update
25 pursuant to Section 56425.

26 (c) A request by a city or district for commission approval of
27 an extension of services outside the agency’s jurisdictional
28 boundaries pursuant to Section 56133.

29 SEC. 9. Section 56018 of the Government Code is repealed.

30 ~~56018. “Benefit district” means a district, containing lands~~
31 ~~which are, or will be, benefited by their inclusion within the district,~~
32 ~~the owners of those lands being entitled, under state or federal~~
33 ~~statutes or the California Constitution or the United States~~
34 ~~Constitution, to notice by mail or personal service and hearing~~
35 ~~prior to the inclusion of the lands within the district.~~

36 SEC. 10. Section 56020 of the Government Code is amended
37 to read:

38 56020. “Board of supervisors” means ~~the board of supervisors~~
39 *legislative body or governing board* of a county.

1 SEC. 11. Section 56020.5 of the Government Code is amended
 2 to read:

3 56020.5. “Certificate of completion” means the document
 4 prepared by the executive officer and recorded with the county
 5 recorder that confirms the final successful ~~resolution~~ *completion*
 6 of a change of organization or reorganization.

7 SEC. 12. Section 56020.6 is added to the Government Code,
 8 to read:

9 56020.6. “Certificate of filing” means the document issued by
 10 the executive officer that confirms an application for a change of
 11 organization or reorganization has met submission requirements
 12 and is accepted for filing.

13 SEC. 13. Section 56020.7 of the Government Code is amended
 14 to read:

15 56020.7. “Certificate of *“termination” or “certificate of*
 16 *termination of proceedings”* means the document prepared by the
 17 executive officer and retained by the commission that indicates
 18 that a proposal for a change of organization or reorganization was
 19 terminated because of a majority written protest ~~or~~, rejection by
 20 voters in an election, *or the expiration of time prior to completion*
 21 *of proceedings pursuant to Section 57001 or a court order.*

22 SEC. 14. Section 56021 of the Government Code is amended
 23 to read:

24 56021. “Change of organization” means any of the following:

- 25 (a) A city incorporation.
- 26 (b) A district formation.
- 27 (c) An annexation to, ~~or detachment from,~~ a city ~~or district~~.
- 28 (d) *An annexation to a district.*
- 29 (e) *A detachment from a city.*
- 30 (f) *A detachment from a district.*
- 31 ~~(g)~~
- 32 (g) A disincorporation of a city.
- 33 ~~(e)~~
- 34 (h) A district dissolution.
- 35 ~~(f)~~
- 36 (i) A consolidation of cities ~~or special districts~~.
- 37 (j) *A consolidation of special districts.*
- 38 ~~(g)~~
- 39 (k) A merger ~~or establishment of a subsidiary district of a city~~
 40 *and a district.*

1 (l) *Establishment of a subsidiary district.*

2 ~~(h) A proposal for the~~

3 (m) *The exercise of new or different functions or classes of*
4 *services, or divestiture of the power to provide particular functions*
5 *or classes of services, within all or part of the jurisdictional*
6 *boundaries of a special district as provided in Article 1.5*
7 *(commencing with Section 56824.10) of Chapter 5 or Part 3 of*
8 *this division.*

9 SEC. 15. Section 56023 of the Government Code is amended
10 to read:

11 56023. “City” means any *incorporated* chartered or general
12 law city, including any city the name of which includes the word
13 “town.”

14 SEC. 16. Section 56024 of the Government Code is amended
15 to read:

16 56024. “City council” means the city council or legislative
17 body *or governing board* of a city.

18 SEC. 17. Section 56029 of the Government Code is amended
19 to read:

20 56029. “Conducting authority” means the commission of the
21 principal county ~~of the entity proposing a change of organization~~
22 ~~or reorganization, unless another conducting authority is specified~~
23 ~~by law, or the commission’s executive officer when authorized by~~
24 ~~the commission, when exercising its responsibility to conduct~~
25 ~~protest proceedings following approval by the commission of a~~
26 ~~change of organization or reorganization.~~

27 SEC. 18. Section 56031 of the Government Code is amended
28 to read:

29 56031. (a) “Contiguous” means ~~both of the following:~~ *territory*
30 *adjacent to territory within the local agency.*

31 ~~(1) In the case of annexation, territory adjacent to, or territory~~
32 ~~adjoining territory within, the local agency to which annexation~~
33 ~~is proposed.~~

34 ~~(2) In the case of consolidation, territory of a local agency or~~
35 ~~agencies which is adjacent to, or adjoining the territory of, the~~
36 ~~consolidating local agency or to the territory of another local~~
37 ~~agency which is contiguous to the consolidating local agency and~~
38 ~~to be consolidated with the consolidating local agency.~~

1 (b) Territory is not contiguous if the only contiguity is based
 2 upon a strip of land more than 300 feet long and less than 200 feet
 3 wide *at its narrowest width*, that width to be exclusive of highways.

4 SEC. 19. Section 56032.5 is added to the Government Code,
 5 to read:

6 56032.5. “Dependent special district” or “dependent district”
 7 includes any special district that has a legislative body that consists,
 8 in whole or part, of ex officio members who are officers of a county
 9 or another local agency, or who are appointees of those officers,
 10 and who are not appointed to fixed terms. “Dependent special
 11 district” or “dependent district” does not include any district
 12 excluded from the definition of district contained in Section 56063.

13 SEC. 20. Section 56033 of the Government Code is amended
 14 to read:

15 56033. “Detachment” means the ~~detachment, deannexation,~~
 16 exclusion, deletion, or removal from a city or district of any portion
 17 of the territory of that city or district.

18 SEC. 21. Section 56034 of the Government Code is amended
 19 to read:

20 56034. “Disincorporation” means the ~~disincorporation,~~
 21 dissolution, extinguishment, ~~and~~ *or* termination of the existence
 22 of a city and the cessation of its corporate powers, except for the
 23 purpose of winding up the affairs of the city.

24 SEC. 22. Section 56035 of the Government Code is amended
 25 to read:

26 56035. “Dissolution” means the ~~dissolution,~~ disincorporation,
 27 extinguishment, ~~and~~ *or* termination of the existence of a district
 28 and the cessation of all its corporate powers, except as the
 29 commission may otherwise provide pursuant to Section 56886 or
 30 for the purpose of winding up the affairs of the district.

31 SEC. 23. Section 56036 of the Government Code is amended
 32 to read:

33 56036. (a) “District” or “special district” ~~means are~~
 34 *synonymous and mean* an agency of the state, formed pursuant to
 35 general law or special act, for the local performance of
 36 governmental or proprietary functions within limited boundaries
 37 *and in areas outside district boundaries when authorized by the*
 38 *commission pursuant to Section 56133.* ~~“District”~~

39 (b) “District” or “special district” includes a county service
 40 area, but excludes all of the following:

- 1 (1) The state.
- 2 (2) A county.
- 3 (3) A city.
- 4 (4) A school district or a community college district.
- 5 (5) ~~A~~ *An assessment district or special assessment district.*
- 6 (6) An improvement district.
- 7 (7) A community facilities district formed pursuant to the
- 8 Mello-Roos Community Facilities Act of 1982 (Chapter 2.5
- 9 (commencing with Section 53311) of Part 1 of Division 2 of Title
- 10 5).
- 11 (8) A permanent road division formed pursuant to Article 3
- 12 (commencing with Section 1160) of Chapter 4 of Division 2 of
- 13 the Streets and Highways Code.
- 14 (9) An air pollution control district or an air quality maintenance
- 15 district.
- 16 (10) A zone of any special district ~~including, but not limited to,~~
- 17 ~~the following:~~
- 18 ~~(A) A fire protection district.~~
- 19 ~~(B) A mosquito abatement and vector control district.~~
- 20 ~~(C) A public cemetery district.~~
- 21 ~~(D) A recreation and park district.~~
- 22 ~~(E) A community services district.~~
- 23 ~~(F) A county service area.~~
- 24 ~~(b) Except as otherwise provided in paragraph (1), each of the~~
- 25 ~~entities listed in paragraph (1) is a “district” or a “special district”~~
- 26 ~~for the purposes of this division.~~
- 27 ~~(1) For the purposes of Chapter 1 (commencing with Section~~
- 28 ~~57000) to Chapter 7 (commencing with Section 57176), inclusive,~~
- 29 ~~of Part 4 or Part 5 (commencing with Section 57300), none of the~~
- 30 ~~following entities is a “district” or a “special district”:~~
- 31 ~~(A) A unified or union high school library district.~~
- 32 ~~(B) A bridge and highway district.~~
- 33 ~~(C) A joint highway district.~~
- 34 ~~(D) A transit or rapid transit district.~~
- 35 ~~(E) A metropolitan water district.~~
- 36 ~~(F) A separation of grade district.~~
- 37 ~~(2) Any proceedings pursuant to Part 4 (commencing with~~
- 38 ~~Section 57000) for a change of organization involving an entity~~
- 39 ~~described in paragraph (1) shall be conducted pursuant to the~~
- 40 ~~principal act authorizing the establishment of that entity.~~

1 ~~(e) Except as otherwise provided in paragraph (1), each of the~~
2 ~~entities listed in paragraph (1) is a “district” or “special district”~~
3 ~~for purposes of this division.~~

4 ~~(1) For the purposes of Chapter 1 (commencing with Section~~
5 ~~57000) to Chapter 7 (commencing with Section 57176), inclusive,~~
6 ~~of Part 4 or Part 5 (commencing with Section 57300), none of the~~
7 ~~following entities is a “district” or “special district” if the~~
8 ~~commission of the principal county determines, in accordance with~~
9 ~~Sections 56127 and 56128, that the entity is not a “district” or~~
10 ~~“special district”:~~

- 11 ~~(A) A flood control district.~~
- 12 ~~(B) A flood control and floodwater conservation district.~~
- 13 ~~(C) A flood control and water conservation district.~~
- 14 ~~(D) A conservation district.~~
- 15 ~~(E) A water conservation district.~~
- 16 ~~(F) A water replenishment district.~~
- 17 ~~(G) The Orange County Water District.~~
- 18 ~~(H) A California water storage district.~~
- 19 ~~(I) A water agency.~~
- 20 ~~(J) A county water authority or a water authority.~~

21 ~~(2) If the commission determines that an entity described in~~
22 ~~paragraph (1) is not a “district” or “special district,” any~~
23 ~~proceedings pursuant to Part 4 (commencing with Section 57000)~~
24 ~~for a change of organization involving the entity shall be conducted~~
25 ~~pursuant to the principal act authorizing the establishment of that~~
26 ~~entity.~~

27 SEC. 24. Section 56036.5 is added to the Government Code,
28 to read:

29 56036.5. (a) For the purposes of Chapter 1 (commencing with
30 Section 57000) to Chapter 7 (commencing with Section 57176),
31 inclusive, of Part 4 or Part 5 (commencing with Section 57300),
32 proceedings for a change of organization shall be conducted
33 pursuant to the principal act authorizing the establishment of that
34 district for the following entities:

- 35 (1) A unified or union high school library district.
- 36 (2) A bridge and highway district.
- 37 (3) A joint highway district.
- 38 (4) A transit or rapid transit district.
- 39 (5) A metropolitan water district.
- 40 (6) A separation of grade district.

1 (b) For other districts, where the principle act provides, the
2 procedures in the principal act shall supersede the procedures set
3 forth in this division.

4 SEC. 25. Section 56036.6 is added to the Government Code,
5 to read:

6 56036.6. (a) For the purposes of Chapter 1 (commencing with
7 Section 57000) to Chapter 7 (commencing with Section 57176),
8 inclusive, of Part 4 or Part 5 (commencing with Section 57300),
9 none of the following entities is a “district” or “special district” if
10 the commission of the principal county determines, in accordance
11 with Sections 56127 and 56128, that the entity is not a “district”
12 or “special district:”

- 13 (1) A flood control district.
- 14 (2) A flood control and floodwater conservation district.
- 15 (3) A flood control and water conservation district.
- 16 (4) A conservation district.
- 17 (5) A water conservation district.
- 18 (6) A water replenishment district.
- 19 (7) The Orange County Water District.
- 20 (8) A California water storage district.
- 21 (9) A water agency.
- 22 (10) A county water authority or a water authority.

23 (b) If the commission determines that an entity described in this
24 section is not a “district” or “special district,” any proceedings
25 pursuant to Part 4 (commencing with Section 57000) for a change
26 of organization involving the entity shall be conducted pursuant
27 to the principal act authorizing the establishment of that entity.

28 SEC. 26. Section 56037 of the Government Code is repealed.

29 ~~56037. “District of limited powers” means an airport district,~~
30 ~~community services district, municipal utility district, public~~
31 ~~utilities district, fire protection district, harbor district, port district,~~
32 ~~recreational harbor district, small craft harbor district, resort~~
33 ~~improvement district, library district, local hospital district, local~~
34 ~~health district, municipal improvement district formed pursuant~~
35 ~~to any special act, municipal water district, police protection~~
36 ~~district, recreation and park district, garbage disposal district,~~
37 ~~garbage and refuse disposal district, sanitary district, county~~
38 ~~sanitation district, public cemetery district, California water district,~~
39 ~~county water district, county waterworks district, or irrigation~~
40 ~~district.~~

1 SEC. 27. Section 56038 of the Government Code is amended
2 to read:

3 56038. “Executive officer” means ~~the executive officer~~ *person*
4 appointed by a commission *pursuant to Section 56384*.

5 SEC. 28. Section 56039 of the Government Code is amended
6 to read:

7 56039. “Formation” means ~~the formation, incorporation,~~
8 ~~organization, or~~ creation of a district.

9 SEC. 29. Section 56040 of the Government Code is amended
10 to read:

11 56040. “Function” means any power granted by law to a local
12 agency ~~or a county~~ to provide designated governmental or
13 proprietary services or facilities for the use, benefit, or protection
14 of persons or property.

15 SEC. 30. Section 56041 of the Government Code is amended
16 to read:

17 56041. “Improvement district” means ~~a district,~~ *an area;* or
18 zone formed for the sole purpose of designating an area which is
19 to bear a special tax or assessment for an improvement benefiting
20 that area.

21 SEC. 31. Section 56042 of the Government Code is repealed.

22 56042. “Include,” except when used in relation to the inclusion
23 of land, ~~does not necessarily exclude matters not enumerated.~~

24 SEC. 32. Section 56043 of the Government Code is amended
25 to read:

26 56043. “Incorporation” means ~~the incorporation, formation,~~
27 ~~creation, and~~ *or* establishment of a city ~~with corporate powers.~~
28 Any area proposed for incorporation as a ~~new~~ city shall have at
29 least 500 registered voters residing within the affected ~~area~~ *territory*
30 at the time ~~commission proceedings are~~ *the proposal is* initiated.

31 SEC. 33. Section 56044 of the Government Code is amended
32 to read:

33 56044. “Independent *district*” or “*independent* special district”
34 includes any special district having a legislative body all of whose
35 members are elected by registered voters or landowners within the
36 district, or whose members are appointed to fixed terms, ~~and~~
37 ~~excludes any special district having a legislative body consisting,~~
38 ~~in whole or in part, of ex officio members who are officers of a~~
39 ~~county or another local agency or who are appointees of those~~
40 ~~officers other than those who are appointed to fixed terms.~~

1 “Independent special district” does not include any district excluded
2 from the definition of district contained in Section 56036.

3 SEC. 34. Section 56046 of the Government Code is amended
4 to read:

5 56046. “Inhabited territory” means territory within which there
6 reside 12 or more registered voters. The *number of registered*
7 *voters, as determined by the elections officer, shall be established*
8 *as of the date on which the number of registered voters is*
9 ~~determined is the date of the adoption of a resolution of application~~
10 ~~by the legislative body pursuant to Section 56654, if the legislative~~
11 ~~body has complied with subdivision (b) of that section, or the date~~
12 ~~a petition or other resolution of application is accepted for filing~~
13 ~~and a certificate of filing is issued by the executive officer. All~~
14 other territory shall be deemed “uninhabited.”

15 SEC. 35. Section 56047 of the Government Code is amended
16 to read:

17 56047. “Initiate” or “initiation” means ~~the acceptance for filing~~
18 ~~and the issuance of a certificate of filing by the executive officer.~~

19 SEC. 36. Section 56047.5 of the Government Code is amended
20 to read:

21 56047.5. “Interested agency” means each local agency which
22 provides facilities or services in the affected territory ~~that a subject~~
23 ~~agency would provide.~~

24 SEC. 37. Section 56048 of the Government Code is amended
25 to read:

26 56048. (a) ~~Except as otherwise provided in subdivision (b),~~
27 ~~“landowner”~~ “Landowner” or “owner of land” means ~~all of the~~
28 ~~following:~~ *any person shown as the owner of land on the last*
29 *equalized assessment roll prepared by the county at the time the*
30 *determination is required to be made pursuant to the requirements*
31 *of this division. Where that person is no longer the owner, the*
32 *landowner or owner of land is any person entitled to be shown as*
33 *the owner of land on the next equalized assessment roll.*

34 (1) ~~Any person shown as the owner of land on the most recent~~
35 ~~assessment roll being prepared by the county at the time the~~
36 ~~proponent adopts a resolution of application pursuant to Section~~
37 ~~56654 or files a notice of intention to circulate a petition with the~~
38 ~~executive officer pursuant to subdivision (a) of Section 56700.4;~~
39 ~~except where that person is no longer the owner. Where that person~~
40 ~~is no longer the owner, the landowner or owner of land is any~~

1 person entitled to be shown as owner of land on the next assessment
2 roll.

3 (2)

4 (b) Where land is subject to a recorded written agreement of
5 sale, any person shown in the agreement as *the purchaser*.

6 (3)

7 (c) Any public agency owning land *other than highways,*
8 *rights-of-way, easements, waterways, or canals.*

9 ~~(b) “Landowner” or “owner of land” does not include a public~~
10 ~~agency which owns highways, rights-of-way, easements,~~
11 ~~waterways, or canals.~~

12 SEC. 38. Section 56049 of the Government Code is amended
13 to read:

14 56049. “Landowner-voter” means any person entitled to vote
15 in a landowner-voter district, or the legal representative of that
16 person or, in the case of an election, the proxy of that person *if*
17 *authorized by the principal act.*

18 SEC. 39. Section 56050.5 is added to the Government Code,
19 to read:

20 56050.5. “Latent service or power” means those services,
21 facilities, functions, or powers authorized by the principal act under
22 which the district is formed, but that are not being exercised, as
23 determined by the commission pursuant to subdivision (i) of
24 Section 56425.

25 SEC. 40. Section 56051 of the Government Code is amended
26 to read:

27 56051. “Last equalized assessment roll” means the ~~last~~
28 ~~equalized assessment roll or book used~~ *listing in use* by a county,
29 city, or district for the purpose of the annual levy and collection
30 of any taxes or assessments ~~imposed by the county, city, or district.~~

31 This section does not require the use of the supplemental roll
32 prepared pursuant to Chapter 3.5 (commencing with Section 75)
33 of Part 0.5 of Division 1 of the Revenue and Taxation Code.

34 SEC. 41. Section 56052 of the Government Code is amended
35 to read:

36 56052. “Legal representative” means an officer of a
37 corporation, *partnership, or limited liability company* duly
38 authorized, ~~by the bylaws or a resolution of the board of directors~~
39 ~~of the corporation,~~ to sign for, and on behalf of, the ~~corporation~~
40 *entity*. Legal representative also includes a guardian, conservator,

1 executor, administrator, *trustee*, or other person holding property
2 in a trust capacity under appointment of a court, when authorized
3 by an order of the court. ~~The order of the court may be made~~
4 ~~without notice.~~

5 SEC. 42. Section 56053 of the Government Code is amended
6 to read:

7 56053. “Legislative body” means the ~~legislative body or~~
8 governing board of a city, ~~special county, or district, or county.~~

9 SEC. 43. Section 56055 of the Government Code is amended
10 to read:

11 56055. “Member district” means any district which is included,
12 in whole or in part, within another district, a metropolitan water
13 district, or any of the entities enumerated in ~~subdivision (e) of~~
14 Section 56036, all or any part of the first-mentioned district being
15 entitled, under the provisions of the principal act of the
16 second-mentioned district or entity, to receive or be furnished with
17 any governmental or proprietary service or commodity by the
18 second-mentioned district or entity.

19 SEC. 44. Section 56056 of the Government Code is amended
20 to read:

21 56056. “Merger” means the ~~extinguishment, termination, and~~
22 ~~cessation~~ of the existence of a district ~~of limited powers by the~~
23 ~~merger~~ *when the responsibility for the functions, services, assets,*
24 *and liabilities* of that district ~~with~~ *are assumed* by a city as a result
25 of proceedings taken pursuant to this division.

26 SEC. 45. Section 56057 of the Government Code is amended
27 to read:

28 56057. “Next equalized assessment roll” means the ~~next~~
29 ~~assessment roll or book listing~~ to be equalized and used by a city,
30 county, or district for the purpose of the annual levy and collection
31 of any taxes or assessments imposed by the city, county, or district.

32 SEC. 46. Section 56058 of the Government Code is repealed.

33 ~~56058. “Notice” means any matter authorized or required by~~
34 ~~this division to be published, posted, or mailed.~~

35 SEC. 47. Section 56062 of the Government Code is amended
36 to read:

37 56062. “Parent district” means any district, a metropolitan
38 water district, or any of the entities enumerated in ~~subdivision (e)~~
39 ~~of~~ Section 56036, which includes all or any part of another district,
40 the first-mentioned district or entity being obligated, under the

1 provisions of the principal act of the first-mentioned district or
2 entity, to provide and furnish any governmental or proprietary
3 service or commodity to the second-mentioned district.

4 SEC. 48. Section 56063 of the Government Code is repealed.

5 ~~56063. “Plan of reorganization” means a plan or program for
6 effecting a reorganization and which contains a description of all
7 changes of organization included in the reorganization and setting
8 forth all terms, conditions, and matters necessary or incidental to
9 the effectuation of that reorganization.~~

10 SEC. 49. Section 56065 of the Government Code is amended
11 to read:

12 56065. “Principal act” means, in the case of a district, the law
13 under which the district was formed and, in the case of a city, the
14 general laws or a *the city* charter, as the case may be.

15 SEC. 50. Section 56066 of the Government Code is amended
16 to read:

17 56066. “Principal county” means the county having all or the
18 greater portion of the entire assessed value, as shown on the last
19 equalized assessment roll of the county or counties, of all taxable
20 property within a district or districts for which a change of
21 organization or reorganization is proposed.

22 SEC. 51. Section 56068 of the Government Code is repealed.

23 ~~56068. “Proponent” means the person or persons who file a
24 notice of intention to circulate a petition with the executive officer
25 pursuant to subdivision (a) of Section 56700.4, or the affected
26 local agency or agencies that adopt a resolution of application
27 pursuant to Section 56654.~~

28 SEC. 52. Section 56069 of the Government Code is amended
29 to read:

30 56069. “Proposal” means a ~~request or statement of intention~~
31 *made desired change of organization or reorganization initiated*
32 *by a petition or by resolution of application for which a certificate*
33 *of filing has been issued of a legislative body or of a school district*
34 ~~proposing proceedings for the change of organization or~~
35 ~~reorganization described in the request or statement of intention.~~

36 SEC. 53. Section 56069.5 is added to the Government Code,
37 to read:

38 56069.5. “Protest proceedings” means proceedings taken by a
39 commission, or its executive officer when authorized by the
40 commission, as the conducting authority pursuant to Chapter 1

1 (commencing with Section 57000), Chapter 2 (commencing with
2 Section 57025), Chapter 3 (commencing with Section 57050), or
3 Chapter 4 (commencing with Section 57075) of Part 4 of this
4 division.

5 SEC. 54. Section 56070 of the Government Code is amended
6 to read:

7 56070. “Public agency” means the state or any state agency,
8 board, or commission, any city, county, city and county, special
9 district, ~~or other political subdivision~~, or any agency, board, or
10 commission of the city, county, city and county, special district,
11 *joint powers authority*, or other political subdivision.

12 SEC. 55. Section 56073 of the Government Code is amended
13 to read:

14 56073. “Reorganization” means two or more changes of
15 organization ~~initiated in~~ *contained within* a single proposal.

16 SEC. 56. Section 56073.1 is added to the Government Code,
17 to read:

18 56073.1. “Resolution of application” means the document
19 adopted by a local agency or school district initiating a change of
20 organization or reorganization pursuant to Section 56654.

21 SEC. 57. Section 56074 of the Government Code is amended
22 to read:

23 56074. “Service” means a ~~class~~ *specific governmental activity*
24 established within, and as a part of, a ~~single~~ *general function of*
25 *the agency*, as provided by regulations adopted by the commission
26 pursuant to Chapter 5 (commencing with Section 56821) of Part
27 3.

28 SEC. 58. Section 56075 of the Government Code is amended
29 to read:

30 56075. “Special assessment district” *or “assessment district”*
31 means an area fixed, established, and formed by a city, county,
32 district, or the state, pursuant to general law, special act, or charter,
33 that is specially benefited by, and assessed, or to be assessed, to
34 pay the costs and expenses of, acquiring any lands or rights-of-way,
35 acquiring or constructing any public improvements, maintaining
36 or operating any public improvement, or lighting any public street,
37 highway, or place.

38 SEC. 59. Section 56078 of the Government Code is amended
39 to read:

1 56078. “Subsidiary district” means a district of limited powers
 2 in which a city council is designated as, and empowered to act as,
 3 the ex officio board of directors of the district.

4 SEC. 60. Section 56079 of the Government Code is repealed.

5 56079. “Sufficient petition” means a petition which, upon its
 6 filing and certification, requires the commission to hold a hearing
 7 and make determinations with respect to the proposal contained
 8 in the petition.

9 SEC. 61. Section 56080 of the Government Code is repealed.

10 56080. “Urban service area” means developed, undeveloped,
 11 or agricultural land, either incorporated or unincorporated, within
 12 the sphere of influence of a city, which is served by urban facilities,
 13 utilities, and services or which are proposed to be served by urban
 14 facilities, utilities, and services during the first five years of an
 15 adopted capital improvement program of the city if the city adopts
 16 that type of program for those facilities, utilities, and services. The
 17 boundary around an urban area shall be called the “urban service
 18 area boundary” and shall be developed in cooperation with a city
 19 and adopted by a commission pursuant to policies adopted by the
 20 commission in accordance with Sections 56300, 56301, and 56425.

21 SEC. 62. Section 56100 of the Government Code is amended
 22 to read:

23 56100. (a) Except as otherwise provided in paragraph (2) of
 24 subdivision (b) of Section ~~56036~~ 56036.5, paragraph (2) of
 25 subdivision (e) (b) of Section ~~56036~~ 56036.6, and Section 56101,
 26 this division provides the sole and exclusive authority and
 27 procedure for the initiation, conduct, and completion of changes
 28 of organization and reorganization for cities and districts. All
 29 changes of organization and reorganizations shall be initiated,
 30 conducted, and completed in accordance with, and as provided in,
 31 this division.

32 (b) Notwithstanding any other provision of law, proceedings
 33 for the formation of a district shall be conducted as authorized by
 34 the principal act of the district proposed to be formed, except that
 35 the commission shall serve as the conducting authority and the
 36 procedural requirements of this division shall apply and shall
 37 prevail in the event of conflict with the procedural requirements
 38 of the principal act of the district. In the event of such a conflict,
 39 the commission shall specify the procedural requirements that
 40 apply, consistent with the requirements of this section.

1 SEC. 63. Section 56127 of the Government Code is amended
2 to read:

3 56127. If the legislative body of any of the districts, agencies,
4 or authorities enumerated in subdivision (c) of Section ~~56036~~
5 ~~56036.6~~ desires a determination by the commission that the district,
6 agency, or authority is not a district or a special district, for
7 purposes of Part 4 (commencing with Section 57000) or Part 5
8 (commencing with Section 57300), the legislative body, prior to
9 the adoption of any ordinance, resolution, or order proposing,
10 declaring an intention, or initiating proceedings to make a change
11 of organization, shall make application to the commission of the
12 principal county describing the proposed change of organization
13 and requesting that determination. If a proposal is initiated by other
14 than the legislative body of a district or special district, the district
15 or special district may, within 10 days of notification by the
16 commission of the initiation of the proposal, request a
17 determination by the commission that it is not a district or special
18 district for purposes of Part 4 (commencing with Section 57000)
19 or Part 5 (commencing with Section 57300). That application shall
20 be filed with the executive officer and shall be presented to the
21 commission not later than its next regular meeting. The executive
22 officer shall give the legislative body filing the application mailed
23 notice of the time and place at which the application shall be
24 presented to the commission. No other notice is required to be
25 given. However, the commission may, prior to making its findings
26 and determinations, order the executive officer to give notice of
27 the filing and presentation of the application by publication or by
28 mailing to other affected counties, cities, and districts, or by both
29 publication and mailing.

30 SEC. 64. Section 56128 of the Government Code is amended
31 to read:

32 56128. (a) Upon presentation of any application filed pursuant
33 to Section 56127, the commission shall determine that the applicant
34 district, agency, or authority is not a district or special district for
35 purposes of Part 4 (commencing with Section 57000) or Part 5
36 (commencing with Section 57300), if the commission finds that
37 the applicant is not engaged in any of the following:

38 (1) The distribution and sale for any purpose, other than for the
39 purpose of resale, of water or of gas or electricity for light, heat,
40 or power.

1 (2) Furnishing sanitary sewer service or garbage and refuse
2 collection service to the ultimate users, as defined in subdivision
3 (b), of those services.

4 (3) Providing fire or police protection.

5 (4) The acquisition, construction, maintenance, lighting, or
6 operation of streets and highways, street and highway
7 improvements, or park and recreation facilities, except as an
8 incident to the exercise of other lawful powers of the applicant.

9 (b) “Ultimate user” means any user or consumer other than the
10 state, the United States, a city, a county, or a district, or any agency,
11 department, or office of any of those entities or a public utility.

12 If the commission determines that any applicant district, agency,
13 or authority enumerated in subdivision (c) of Section ~~56036~~
14 ~~56036.6~~ is not a district or special district, for purposes of Part 4
15 (commencing with Section 57000) or Part 5 (commencing with
16 Section 57300), then those provisions shall not apply to the change
17 of organization or reorganization described in the application and
18 proceedings for the change of organization or reorganization shall
19 be taken under and pursuant to the principal act. If no application
20 is made to the commission, or if the commission in passing upon
21 an application does not determine that the applicant is not a district
22 or special district for the purposes of Part 4 (commencing with
23 Section 57000) or Part 5 (commencing with Section 57300), then
24 this division shall provide the sole and exclusive authority for the
25 initiation, conduct, and completion for a change of organization
26 or reorganization by that district, agency, or authority and, to the
27 extent of any inconsistency between this division and the principal
28 act of the applicant, this division shall control.

29 SEC. 65. Section 56375 of the Government Code is amended
30 to read:

31 56375. The commission shall have all of the following powers
32 and duties subject to any limitations upon its jurisdiction set forth
33 in this part:

34 (a) (1) To review and approve or disapprove with or without
35 amendment, wholly, partially, or conditionally, proposals for
36 changes of organization or reorganization, consistent with written
37 policies, procedures, and guidelines adopted by the commission.

38 (2) The commission may initiate proposals by resolution of
39 application for any of the following:

40 (A) The consolidation of a district, as defined in Section 56036.

- 1 (B) The dissolution of a district.
- 2 (C) A merger.
- 3 (D) The establishment of a subsidiary district.
- 4 (E) The formation of a new district or districts.
- 5 (F) A reorganization that includes any of the changes specified
- 6 in subparagraph (A), (B), (C), (D), or (E).
- 7 (3) A commission may initiate a proposal described in paragraph
- 8 (2) only if that change of organization or reorganization is
- 9 consistent with a recommendation or conclusion of a study
- 10 prepared pursuant to Section 56378, 56425, or 56430, and the
- 11 commission makes the determinations specified in subdivision (b)
- 12 of Section 56881.
- 13 (4) A commission shall not disapprove an annexation to a city,
- 14 initiated by resolution, of contiguous territory that the commission
- 15 finds is any of the following:
- 16 (A) Surrounded or substantially surrounded by the city to which
- 17 the annexation is proposed or by that city and a county boundary
- 18 or the Pacific Ocean if the territory to be annexed is substantially
- 19 developed or developing, is not prime agricultural land as defined
- 20 in Section 56064, is designated for urban growth by the general
- 21 plan of the annexing city, and is not within the sphere of influence
- 22 of another city.
- 23 (B) Located within an urban service area, *as that term is defined*
- 24 *in subdivision (g) of Section 56757*, that has been delineated and
- 25 adopted by a commission, which is not prime agricultural land, as
- 26 defined by Section 56064, and is designated for urban growth by
- 27 the general plan of the annexing city.
- 28 (C) An annexation or reorganization of unincorporated islands
- 29 meeting the requirements of Section 56375.3.
- 30 (5) As a condition to the annexation of an area that is
- 31 surrounded, or substantially surrounded, by the city to which the
- 32 annexation is proposed, the commission may require, where
- 33 consistent with the purposes of this division, that the annexation
- 34 include the entire island of surrounded, or substantially surrounded,
- 35 territory.
- 36 (6) A commission shall not impose any conditions that would
- 37 directly regulate land use density or intensity, property
- 38 development, or subdivision requirements.
- 39 (7) The decision of the commission with regard to a proposal
- 40 to annex territory to a city shall be based upon the general plan

1 and rezoning of the city. When the development purposes are not
2 made known to the annexing city, the annexation shall be reviewed
3 on the basis of the adopted plans and policies of the annexing city
4 or county. A commission shall require, as a condition to
5 annexation, that a city prezone the territory to be annexed or present
6 evidence satisfactory to the commission that the existing
7 development entitlements on the territory are vested or are already
8 at build-out, and are consistent with the city's general plan.
9 However, the commission shall not specify how, or in what
10 manner, the territory shall be rezoned.

11 (b) With regard to a proposal for annexation or detachment of
12 territory to, or from, a city or district or with regard to a proposal
13 for reorganization that includes annexation or detachment, to
14 determine whether territory proposed for annexation or detachment,
15 as described in its resolution approving the annexation, detachment,
16 or reorganization, is inhabited or uninhabited.

17 (c) With regard to a proposal for consolidation of two or more
18 cities or districts, to determine which city or district shall be the
19 consolidated successor city or district.

20 (d) To approve the annexation of unincorporated, noncontiguous
21 territory, subject to the limitations of Section 56742, located in the
22 same county as that in which the city is located, and that is owned
23 by a city and used for municipal purposes and to authorize the
24 annexation of the territory without notice and hearing.

25 (e) To approve the annexation of unincorporated territory
26 consistent with the planned and probable use of the property based
27 upon the review of general plan and rezoning designations. No
28 subsequent change may be made to the general plan for the annexed
29 territory or zoning that is not in conformance to the rezoning
30 designations for a period of two years after the completion of the
31 annexation, unless the legislative body for the city makes a finding
32 at a public hearing that a substantial change has occurred in
33 circumstances that necessitate a departure from the rezoning in
34 the application to the commission.

35 (f) With respect to the incorporation of a new city or the
36 formation of a new special district, to determine the number of
37 registered voters residing within the proposed city or special district
38 or, for a landowner-voter special district, the number of owners
39 of land and the assessed value of their land within the territory
40 proposed to be included in the new special district. The number

1 of registered voters shall be calculated as of the time of the last
2 report of voter registration by the county elections official to the
3 Secretary of State prior to the date the first signature was affixed
4 to the petition. The executive officer shall notify the petitioners of
5 the number of registered voters resulting from this calculation.
6 The assessed value of the land within the territory proposed to be
7 included in a new landowner-voter special district shall be
8 calculated as shown on the last equalized assessment roll.

9 (g) To adopt written procedures for the evaluation of proposals,
10 including written definitions consistent with existing state law.
11 The commission may adopt standards for any of the factors
12 enumerated in Section 56668. Any standards adopted by the
13 commission shall be written.

14 (h) To adopt standards and procedures for the evaluation of
15 service plans submitted pursuant to Section 56653 and the initiation
16 of a change of organization or reorganization pursuant to
17 subdivision (a).

18 (i) To make and enforce regulations for the orderly and fair
19 conduct of hearings by the commission.

20 (j) To incur usual and necessary expenses for the
21 accomplishment of its functions.

22 (k) To appoint and assign staff personnel and to employ or
23 contract for professional or consulting services to carry out and
24 effect the functions of the commission.

25 (l) To review the boundaries of the territory involved in any
26 proposal with respect to the definiteness and certainty of those
27 boundaries, the nonconformance of proposed boundaries with lines
28 of assessment or ownership, and other similar matters affecting
29 the proposed boundaries.

30 (m) To waive the restrictions of Section 56744 if it finds that
31 the application of the restrictions would be detrimental to the
32 orderly development of the community and that the area that would
33 be enclosed by the annexation or incorporation is so located that
34 it cannot reasonably be annexed to another city or incorporated as
35 a new city.

36 (n) To waive the application of Section 22613 of the Streets and
37 Highways Code if it finds the application would deprive an area
38 of a service needed to ensure the health, safety, or welfare of the
39 residents of the area and if it finds that the waiver would not affect
40 the ability of a city to provide any service. However, within 60

1 days of the inclusion of the territory within the city, the legislative
2 body may adopt a resolution nullifying the waiver.

3 (o) If the proposal includes the incorporation of a city, as defined
4 in Section 56043, or the formation of a district, as defined in
5 Section 2215 of the Revenue and Taxation Code, the commission
6 shall determine the property tax revenue to be exchanged by the
7 affected local agencies pursuant to Section 56810.

8 (p) To authorize a city or district to provide new or extended
9 services outside its jurisdictional boundaries pursuant to Section
10 56133.

11 (q) To enter into an agreement with the commission for an
12 adjoining county for the purpose of determining procedures for
13 the consideration of proposals that may affect the adjoining county
14 or where the jurisdiction of an affected agency crosses the boundary
15 of the adjoining county.

16 SEC. 66. Section 56376 of the Government Code is amended
17 and renumbered to read:

18 ~~56376.~~

19 56886.6 The commission shall not impose a condition for the
20 provision of services by the annexing city to an area which has
21 not been placed within that city’s adopted sphere of influence, as
22 defined in Section 56076, unless that condition would mitigate
23 effects which are a direct result of the annexation.

24 In the case of any annexation proposal for which a certificate of
25 completion was not recorded prior to January 1, 1985, a condition
26 imposed thereon which does not comply with the requirements of
27 this section is null and void and shall not affect the validity of, or
28 terminate the annexation proceedings.

29 SEC. 67. Section 56376.5 of the Government Code is amended
30 and renumbered to read:

31 ~~56376.5.~~

32 56886.7 (a) The commission shall not impose any condition
33 on an annexing local agency with respect to the standards or
34 frequency of maintenance of any existing street or road within the
35 annexed territory.

36 (b) The commission shall not impose a condition which requires
37 a local agency to improve an existing public facility which is not
38 owned by the agency.

1 (c) This section shall not be construed as authorizing a
2 commission to impose any conditions which it is not otherwise
3 authorized to impose.

4 SEC. 68. Section 56383 of the Government Code is amended
5 to read:

6 56383. (a) The commission may establish a schedule of fees
7 and a schedule of service charges for the proceedings taken
8 pursuant to this division, including, but not limited to, all of the
9 following:

10 (1) Filing and processing applications filed with the commission.

11 (2) Proceedings undertaken by the commission and any
12 reorganization committee.

13 (3) Amending a sphere of influence.

14 (4) Reconsidering a resolution making determinations.

15 (b) The fees shall not exceed the estimated reasonable cost of
16 providing the service for which the fee is charged and shall be
17 imposed pursuant to Section 66016. The service charges shall not
18 exceed the cost of providing the service for which the service
19 charge is charged and shall be imposed pursuant to Section ~~60016~~
20 *66016*.

21 (c) The commission may require that an applicant deposit some
22 or all of the required amount that will be owed with the executive
23 officer before any further action is taken. The deposit shall be
24 made within the time period specified by the commission. No
25 application shall be deemed filed until the applicant deposits the
26 required amount with the executive officer. The executive officer
27 shall provide the applicant with an accounting of all costs charged
28 against the deposited amount. If the costs are less than the deposited
29 amount, the executive officer shall refund the balance to the
30 applicant after the executive officer verifies the completion of all
31 proceedings. If the costs exceed the deposited amount, the applicant
32 shall pay the difference prior to the completion of all proceedings.

33 (d) The commission may reduce or waive a fee, service charge,
34 or deposit if it finds that payment would be detrimental to the
35 public interest. The reduction or waiver of any fee, service charge,
36 or deposit is limited to the costs incurred by the commission in
37 the proceedings of an application.

38 (e) Any mandatory time limits for commission action may be
39 deferred until the applicant pays the required fee, service charge,
40 or deposit.

1 (f) The signatures on a petition submitted to the commission by
2 registered voters shall be verified by the elections official of the
3 county and the costs of verification shall be provided for in the
4 same manner and by the same agencies which bear the costs of
5 verifying signatures for an initiative petition in the same county.

6 (g) For incorporation proceedings that have been initiated by
7 the filing of a sufficient number of voter signatures on petitions
8 that have been verified by the county registrar of voters, the
9 commission may, upon the receipt of a certification by the
10 proponents that they are unable to raise sufficient funds to
11 reimburse fees, service charges, or deposits for the proceedings,
12 take no action on the proposal and request a loan from the General
13 Fund of an amount sufficient to cover those expenses subject to
14 availability of an appropriation for those purposes and in
15 accordance with any provisions of the appropriation. Repayment
16 of the loan shall be made a condition of approval of the
17 incorporation, if successful, and shall become an obligation of the
18 newly formed city. Repayment shall be made within two years of
19 the effective date of incorporation. If the proposal is denied by the
20 commission or defeated at an election, the loan shall be forgiven.

21 SEC. 69. Section 56428 of the Government Code is amended
22 to read:

23 56428. (a) Any person or local agency may file a written
24 request with the executive officer requesting amendments to a
25 sphere of influence or urban service area, *as that term is defined*
26 *in subdivision (g) of Section 56757*, adopted by the commission.
27 The request shall state the nature of the proposed amendment, state
28 the reasons for the request, include a map of the proposed
29 amendment, and contain any additional data and information as
30 may be required by the executive officer.

31 (b) After complying with the California Environmental Quality
32 Act, Division 13 (commencing with Section 21000) of the Public
33 Resources Code, the executive officer shall place the request on
34 the agenda of the next meeting of the commission for which notice
35 can be given. The executive officer shall give notice in the manner
36 provided by Section 56427. On the date and time provided in the
37 notice, the commission may do either of the following:

38 (1) Without further notice, consider the amendments to a sphere
39 of influence.

40 (2) Set a future date for the hearing on the request.

1 (c) The executive officer shall review each requested amendment
2 and prepare a report and recommendation. The report shall be
3 completed not less than five days before the date specified in the
4 notice of hearing. The executive officer shall send copies of the
5 report to the person or agency making the request, each affected
6 local agency, and each person who has filed a request for a report.

7 (d) At its meeting, the commission shall consider the request
8 and receive any oral or written testimony. The consideration may
9 be continued from time to time but not to exceed 70 days from the
10 date specified in the original notice. The person or agency which
11 filed the request may withdraw it at any time prior to the conclusion
12 of the consideration by the commission.

13 (e) At the conclusion of its consideration, the commission may
14 approve or disapprove with or without amendment, wholly,
15 partially, or conditionally, the request. The commission shall follow
16 the procedures in Section 56425.

17 (f) The commission may require the person or agency making
18 a request pursuant to this section to pay a fee to cover the
19 commission's costs. The fee shall not exceed the estimated
20 reasonable cost of providing the service and shall be set pursuant
21 to Section 56383. The commission may waive the fee if it finds
22 that the request can be considered and studied as part of the
23 periodic review of spheres of influence required by Section 56425.
24 In addition, the commission may waive the fee if it finds that
25 payment would be detrimental to the public interest.

26 (g) The commission and executive officer may review and act
27 on any request to amend a sphere of influence or urban service
28 area, *as that term is defined in subdivision (g) of Section 56757*,
29 concurrently with their review and determination on any related
30 change of organization or reorganization. In case of a conflict
31 between the provisions of this section and any other provisions of
32 this part, the other provisions shall prevail.

33 SEC. 70. Section 56757 of the Government Code is amended
34 to read:

35 56757. (a) The commission shall not review a reorganization
36 that includes an annexation to any city in Santa Clara County of
37 unincorporated territory that is within the urban service area of the
38 city if the reorganization is initiated by resolution of the legislative
39 body of the city.

1 (b) The city council shall be the conducting authority for the
2 reorganization and the proceedings for the reorganization shall be
3 initiated and conducted as nearly as may be practicable in
4 accordance with Part 4 (commencing with Section 57000).

5 (c) The city council, in adopting the resolution approving the
6 reorganization, shall make all of the following findings:

7 (1) That the unincorporated territory is within the urban service
8 area of the city as adopted by the commission.

9 (2) That the county surveyor has determined the boundaries of
10 the proposal to be definite and certain, and in compliance with the
11 road annexation policies of the commission. The city shall
12 reimburse the county for the actual costs incurred by the county
13 surveyor in making this determination.

14 (3) That the proposal does not split lines of assessment or
15 ownership.

16 (4) That the proposal does not create islands or areas in which
17 it would be difficult to provide municipal services.

18 (5) That the proposal is consistent with the adopted general plan
19 of the city.

20 (6) That the territory is contiguous to existing city limits.

21 (7) That the city has complied with all conditions imposed by
22 the commission for inclusion of the territory in the urban service
23 area of the city.

24 (d) All reorganizations which involve territory for which the
25 land use designation in the general plan of the city has changed
26 from the time that the urban service area of the city was last
27 adopted by the commission, and which are processed by a city
28 pursuant to this section shall be subject to an appeal to the
29 commission upon submission of a petition of appeal, signed by at
30 least 50 registered voters in the county.

31 (e) An appeal to the commission may also be made by
32 submission of a resolution of appeal adopted by the legislative
33 body of a special district solely for the purpose of determining
34 whether some or all of the territory contained in the reorganization
35 proposal should also be annexed or detached from that special
36 district.

37 (f) Any petition submitted under subdivision (d) or resolution
38 submitted under subdivision (e) shall be submitted to the executive
39 officer within 15 days of the adoption by the city council of the
40 resolution approving the annexation. The executive officer shall

1 schedule the hearing for the next regular meeting of the commission
2 as is practicable. The commission may set a reasonable appeal fee.

3 (g) *“Urban service area” means developed, undeveloped, or*
4 *agricultural land, either incorporated or unincorporated, within*
5 *the sphere of influence of a city, which is served by urban facilities,*
6 *utilities, and services or which are proposed to be served by urban*
7 *facilities, utilities, and services during the first five years of an*
8 *adopted capital improvement program of the city if the city adopts*
9 *that type of program for those facilities, utilities, and services. The*
10 *boundary around an urban area shall be called the urban service*
11 *area boundary and shall be developed in cooperation with a city*
12 *and adopted by a commission pursuant to policies adopted by the*
13 *commission in accordance with Sections 56300, 56301, and 56425.*

14 SEC. 71. Section 56864 of the Government Code is amended
15 to read:

16 56864. Petitions for the annexation of territory to, or
17 detachment of territory from, a district shall be signed as follows:

18 (a) For a registered voter district, by any of the following:

19 (1) Not less than 25 percent of the registered voters within the
20 territory proposed to be annexed *or detached*.

21 (2) Not less than 25 percent of the number of landowners within
22 the territory proposed to be annexed *or detached* who also own
23 not less than 25 percent of the assessed value of land within the
24 territory.

25 (b) For a landowner-voter district, by not less than 25 percent
26 of the number of landowners owning land within the territory
27 proposed to be annexed *or detached* who also own not less than
28 25 percent of the assessed value of land within the territory.

29 SEC. 72. Section 57114 of the Government Code is amended
30 to read:

31 57114. (a) Notwithstanding Sections 56854 and 57111, for
32 any proposal for the dissolution of one or more districts and the
33 annexation of all or substantially all of their territory to another
34 district, not initiated by the commission pursuant to subdivision

35 (a) of Section 56375, the commission shall forward the change of
36 organization or reorganization for confirmation by the voters if
37 the commission finds either of the following:

38 (1) In the case of inhabited territory, that a petition requesting
39 that the proposal be submitted to confirmation by the voters has
40 been signed by either of the following:

1 (A) At least 25 percent of the number of landowners within any
2 affected district within the affected territory who own at least 25
3 percent of the assessed value of land within the territory.

4 (B) At least 25 percent of the voters entitled to vote as a result
5 of residing within, or owning land within, any affected district
6 within the affected territory.

7 (2) In the case of a landowner-voter district, that the territory
8 is uninhabited and a petition requesting that the proposal be
9 submitted to confirmation by the voters has been signed by at least
10 25 percent of the number of landowners within any affected district
11 within the affected territory, owning at least 25 percent of the
12 assessed value of land within the territory of that district.

13 (b) If a petition that meets the requirements of this section has
14 been filed, the commission shall ~~approve~~ *order* the proposal subject
15 to confirmation by the voters of each district that has filed such a
16 petition. The voter confirmation requirements set forth in
17 subdivision (a) shall not apply to any proposal initiated by the
18 commission under Section 56375 or where each affected district
19 has consented to the proposal by a resolution adopted by a majority
20 vote of its board of directors.

21 SEC. 73. Section 101370 of the Public Utilities Code is
22 amended to read:

23 101370. As used in this article the terms “change of
24 organization” and “reorganization” shall have the meanings defined
25 in Section 56028 and Section ~~56068~~ 56073, respectively, of the
26 Government Code.