

**ASSEMBLY BILL**

**No. 1997**

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**Introduced by Assembly Member House**  
(Coauthor: Senator Monteith)

January 4, 1996

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An act to add Section 56111.12 to the Government Code, and to amend Section 99231 of the Public Utilities Code, relating to annexation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as introduced, House. Annexation: City of Chowchilla.

Existing law permits a city to annex noncontiguous territory within the county in which the city is located, under specified conditions.

This bill would provide that notwithstanding existing law, upon approval by the local agency formation commission, and subject to enumerated conditions, the City of Chowchilla may annex noncontiguous territory of not more than 1,280 acres, located in the County of Madera and which constitutes state correctional facilities.

The bill would provide that if, after the completion of the annexation, the state sells that territory or any part thereof, all of the territory which is no longer owned by the state shall cease to be part of the City of Chowchilla.

The bill would also provide that if territory is annexed, the city may not annex any territory not owned by the state and

not contiguous to the city although the territory is contiguous to the territory annexed by the provisions of the bill.

The bill would provide that when territory ceases to be part of the city pursuant to these provisions, the legislative body of the city shall adopt a resolution, as specified, conforming the detachment of that territory from the city.

The bill would specify that if territory annexed to the city becomes contiguous to the city, its limitations concerning the annexation of the territory would not apply.

The bill would require the City of Chowchilla and the County of Madera to enter into an agreement apportioning any increase in state subventions due to the annexation and would impose other requirements concerning the distribution of sales and use tax revenues. By imposing these requirements on the County of Madera, this bill would impose a state-mandated local program.

Under the Mills-Alquist-Deddeh Act, all transit operators and city or county governments with responsibility for providing municipal services to a given area collectively, are authorized to file claims with the transportation planning agency for only those funds that represent that area's apportionment, as defined, in the local transportation fund.

This bill would define the term "area," for purposes of apportioning funds for the County of Madera to include specified prisons even if annexed by the City of Chowchilla.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.



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

1 SECTION 1. Section 56111.12 is added to the  
2 Government Code, to read:

3 56111.12. (a) Notwithstanding Section 56110, upon  
4 approval of the commission, the City of Chowchilla may  
5 annex noncontiguous territory of not more than 1,280  
6 acres in size located in the County of Madera and which  
7 constitutes state correctional facilities. If, after  
8 completion of the annexation, the State of California sells  
9 that territory or any part thereof, all of the territory that  
10 is no longer owned by the state shall cease to be part of  
11 the City of Chowchilla.

12 (b) If territory is annexed pursuant to this section, the  
13 city may not annex any territory not owned by the State  
14 of California and not contiguous to the city although that  
15 territory is contiguous to the territory annexed pursuant  
16 to this section.

17 (c) When territory ceases to be part of the city  
18 pursuant to this section, the legislative body of the city  
19 shall adopt a resolution confirming the detachment of  
20 that territory from the city. The resolution shall describe  
21 the detached territory and shall be accompanied by a  
22 map indicating the territory. Immediately upon adoption  
23 of the resolution, the city clerk shall make any filing  
24 provided for by Chapter 8 (commencing with Section  
25 57200) of Part 4 of Division 3.

26 (d) If territory annexed to the City of Chowchilla  
27 pursuant to this section becomes contiguous to the city,  
28 the limitations imposed by this section shall cease to  
29 apply.

30 (e) The City of Chowchilla shall enter into an  
31 agreement with the County of Madera under which the  
32 city apportions any increase in state subventions resulting  
33 from the annexation of territory pursuant to this section.  
34 In any commission order giving approval to an  
35 annexation pursuant to this section, the commission shall  
36 require, as a condition of that approval, that the City of  
37 Chowchilla enter into the agreement described in this  
38 subdivision with the County of Madera.



1 (f) If territory is annexed pursuant to this section, then  
2 notwithstanding any other provision of law, including,  
3 but not limited to, Chapter 5 (commencing with Section  
4 55700) of Division 2, both of the following shall occur:

5 (1) The County of Madera shall continue to receive its  
6 proportionate share of sales and use tax revenues  
7 collected from the annexed territory without obtaining  
8 majority approval by the qualified electors of the city and  
9 county.

10 (2) Except as to revenues that are the subject of  
11 agreement as required by subdivision (e), the population  
12 of the annexed territory shall be added to the population  
13 count for the unincorporated portion of the County of  
14 Madera for purposes of the distribution and expenditure  
15 of both of the following:

16 (A) Sales and use tax revenues derived from any local  
17 sales and use tax ordinances imposed in the County of  
18 Madera pursuant to Section 7285.5 of the Revenue and  
19 Taxation Code or similar statutes.

20 (B) The proceeds of state or federal loans, grants,  
21 subventions, or payments distributed on the basis of a  
22 county's unincorporated area population or the  
23 percentage of a county's total population residing in the  
24 unincorporated area of the county, or both.

25 For purposes of this section, "sales and use tax  
26 revenues" includes, but is not limited to, revenues  
27 derived from the taxes collected pursuant to the  
28 Bradley-Burns Uniform Local Sales and Use Tax Law  
29 (Part 1.5 (commencing with Section 7200) of Division 2  
30 of the Revenue and Taxation Code) and pursuant to any  
31 local sales and use tax ordinance imposed in the County  
32 of Madera pursuant to Section 7285.5 of the Revenue and  
33 Taxation Code or similar statutes. The purpose and intent  
34 of this provision is that if the territory is annexed to the  
35 City of Chowchilla, then the City of Chowchilla and the  
36 County of Madera shall be in the same relative revenue  
37 positions, except for the revenues which are the subject  
38 of the agreement required by subdivision (e) above, as if  
39 the territory had not been annexed.



1 (g) State subvention increases occasioned by the  
2 annexation authorized by this section shall be effective  
3 beginning with the fiscal year in which the annexation is  
4 first effective.

5 SEC. 2. Section 99231 of the Public Utilities Code is  
6 amended to read:

7 99231. All operators and city or county governments  
8 with responsibility for providing municipal services to a  
9 given area collectively may file claims for only those  
10 moneys that represent that area's apportionment.

11 The term "apportionment" has reference to that  
12 proportion of the total annual revenue anticipated to be  
13 received in the fund that the population of the area bears  
14 to the total population of the county.

15 The term "area" means:

16 (a) With reference to a transit district, the entire area  
17 stated in its enabling legislation or franchise, excluding  
18 cities therein which have retained the right to join the  
19 district at a later time.

20 (b) With reference to a transit development board,  
21 the entire area stated in its enabling legislation, including  
22 the municipalities therein which operated bus systems  
23 prior to the creation of the board and subsequently  
24 conveyed such systems to the board.

25 (c) With reference to a county government, the  
26 unincorporated area of the county.

27 (d) With reference to a city government, the  
28 corporate area of the city.

29 (e) With reference to the City and County of San  
30 Francisco and the Counties of Alameda and Contra Costa,  
31 the unincorporated area thereof (and with reference to  
32 a city in those counties, the corporate area of the city)  
33 which is outside the area of the Alameda-Contra Costa  
34 Transit District and which is not receiving adequate local  
35 public transportation services, as determined by the  
36 Metropolitan Transportation Commission pursuant to  
37 subdivision (b) of Section 99207.

38 (f) Where a transit district, a transit development  
39 board, or a county or city, provides public transportation



1 services beyond its boundaries, its area, for purposes of  
2 this section, shall also include:

3 (1) All of that area within one-half mile of any route  
4 which extends beyond its boundaries.

5 (2) All of the corporate area of a city to which it  
6 provides such services pursuant to contract or prior  
7 express authority of the secretary.

8 The transportation planning agency may rely, in its  
9 determination of populations, on estimates which are  
10 used by the Controller for distributing money to cities  
11 under Section 2107 of the Streets and Highways Code and  
12 to counties under Section 11005 of the Revenue and  
13 Taxation Code, and may contract with the Department  
14 of Finance or other appropriate state agency for an  
15 annual determination of such population estimates as  
16 may be necessary.

17 (g) With reference to the County of Riverside, the  
18 area within the jurisdiction of the transit operator  
19 established by the joint exercise of powers of one or more  
20 cities and the County of Riverside. The area within the  
21 jurisdiction of the transit operator shall be as it existed on  
22 January 1, 1981, as determined by the Riverside County  
23 Transportation Commission.

24 (h) With reference to the County of San Bernardino,  
25 the area within the jurisdiction of the transit operator  
26 established by the joint exercise of powers of one or more  
27 cities, including the most populous city, and the County  
28 of San Bernardino. The area within the jurisdiction of the  
29 transit operator shall be as it existed on January 1, 1985,  
30 as determined by the San Bernardino County  
31 Transportation Commission.

32 (i) With reference to the County of Monterey, the area  
33 including the Correctional Training Facility-Soledad  
34 even if annexed by the City of Soledad.

35 (j) With reference to the County of Del Norte, the  
36 area including the Pelican Bay State Prison, even if  
37 annexed by the City of Crescent City.

38 (k) With reference to the County of Imperial, the area  
39 including the Calipatria State Prison, even if annexed by  
40 the City of Calipatria.



1 (l) With reference to the County of Lassen, the area  
2 including the California Correctional Center, even if  
3 annexed by the City of Susanville.

4 (m) With reference to the County of Riverside, the  
5 area including the Chuckawalla Valley State Prison, even  
6 if annexed by the City of Blythe.

7 (n) With reference to the County of Imperial, the area  
8 including the California State Prison-Imperial County  
9 (South), even if annexed by either the City of El Centro  
10 or the City of Imperial.

11 (o) *With reference to the County of Madera, the area*  
12 *including the Central California Women's Facility and*  
13 *the Valley State Prison for Women, even if annexed by*  
14 *the City of Chowchilla.*

15 SEC. 3. Notwithstanding Section 17610 of the  
16 Government Code, if the Commission on State Mandates  
17 determines that this act contains costs mandated by the  
18 state, reimbursement to local agencies and school  
19 districts for those costs shall be made pursuant to Part 7  
20 (commencing with Section 17500) of Division 4 of Title  
21 2 of the Government Code. If the statewide cost of the  
22 claim for reimbursement does not exceed one million  
23 dollars (\$1,000,000), reimbursement shall be made from  
24 the State Mandates Claims Fund.

25 Notwithstanding Section 17580 of the Government  
26 Code, unless otherwise specified, the provisions of this act  
27 shall become operative on the same date that the act  
28 takes effect pursuant to the California Constitution.

29 SEC. 4. This act is an urgency statute necessary for the  
30 immediate preservation of the public peace, health, or  
31 safety within the meaning of Article IV of the  
32 Constitution and shall go into immediate effect. The facts  
33 constituting the necessity are:

34 In order that the annexation application for the subject  
35 state-owned prison property may be timely heard and  
36 decided and the benefits thereof be realized as soon as  
37 possible by the City of Chowchilla and the County of  
38 Madera, which benefits will help to offset the serious  
39 financial impact on those agencies caused by, among  
40 other things, the increased demand for social and other



1 services made necessary by the location of the prison  
2 facilities in the County of Madera, it is necessary that this  
3 act take effect immediately.

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