

Assembly Bill No. 62

Passed the Assembly September 13, 1997

Chief Clerk of the Assembly

Passed the Senate September 8, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER ____

An act to amend Section 57079 of, and to add Sections 56075.5, 56656, 56844.2, 57103.1, 57132.5, and 57176.1 to, the Government Code, relating to local government organization.

LEGISLATIVE COUNSEL'S DIGEST

AB 62, McClintock. Local government organization.

Under the Cortese-Knox Local Government Reorganization Act of 1985, if the proposed change of organization is a city detachment, the conducting authority, not more than 30 days after its hearing on the matter, may by resolution terminate detachment proceedings. If a proposed reorganization includes the detachment of territory from any city, the conducting authority, not more than 30 days after the hearing, is required to terminate the proceeding if a resolution or written protest against the reorganization is filed prior to the conclusion of the hearing by any city from which territory would be detached or removed.

The bill would provide that the above provisions shall not apply to a special reorganization, as defined. It would specify the election requirements for a special reorganization, as well as the duties of the conducting authority with respect to a special reorganization.

This bill would establish the Special Commission on City Boundaries, known as the "special commission" for purposes of the act, and would set forth the membership and duties of the commission.

This bill would additionally provide that in the case of a special reorganization, all public employees subject to specified provisions of existing law relating to employee organizations shall continue to be deemed public employees of the original local agency, or the newly incorporated local agency for purposes of that existing law, and that existing retiree benefits shall not be diminished. The bill would also extend the exclusive representation status of an employee organization that



has been recognized as the exclusive representative of local agency public employees affected by a special reorganization, with respect to the unit employees of the original local agency, or the newly incorporated local agency.

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

SECTION 1. Section 56075.5 is added to the Government Code, to read:

56075.5. "Special reorganization" means a reorganization that includes the detachment of territory from a city or city and county and the incorporation of that entire detached territory as a city.

SEC. 2. Section 56656 is added to the Government Code, to read:

56656. (a) Notwithstanding any other provision of this division, proceedings for a special reorganization that consists of the detachment of territory consisting of all of the San Fernando Valley from the City of Los Angeles and the incorporation of that entire detached territory as a city shall be conducted pursuant to this section. In the event of any conflict between this section and the provisions of this division, this section shall prevail.

(b) There is created the Special Commission on Los Angeles Boundaries, which shall consist of eight members. Within three months from the date that funds are appropriated for the implementation of this section, the Governor shall appoint two members, the Speaker of the Assembly shall appoint one member, and the Senate Committee on Rules shall appoint one member to the special commission from lists of nominees submitted by community groups whose members reside within the San Fernando Valley. Within three months from the date that funds are appropriated for the implementation of this section, the City Council of the City of Los Angeles shall appoint four members to the special commission.

(c) Notwithstanding any other provision of this division, or Section 7550.5, within nine months from the date that funds are appropriated for the implementation



of this section, the special commission shall issue a report with recommendations to the Local Agency Formation Commission of the County of Los Angeles, the City Council of the City of Los Angeles, the Board of Supervisors of the County of Los Angeles, the Governor, and the Legislature, regarding the feasibility and desirability of a special reorganization that consists of the detachment of territory consisting of all of the San Fernando Valley from the City of Los Angeles and the incorporation of that entire detached territory as a city. The report shall include, but not be limited to, the following:

(1) A comprehensive fiscal analysis that substantially complies with Section 56833.1.

(2) The amount of property tax revenue that would be exchanged pursuant to Section 56842.

(3) The provisional appropriations limit that would be determined pursuant to Section 56842.6.

(4) Any terms and conditions that would be imposed pursuant to Sections 56843, 56844, and 56845.

(5) Any other matters that the special commission deems relevant.

(d) A special reorganization may be initiated, the Local Agency Formation Commission of the County of Los Angeles may conduct commission proceedings for a special reorganization, the conducting authority may conduct proceedings, an election may be conducted, and a special reorganization may be completed before the special commission issues the report required pursuant to subdivision (c).

(e) The special commission shall conduct public meetings to solicit the views and advice of the public, including elected and appointed local officials, regarding city organization and boundaries in the County of Los Angeles.

(f) The special commission shall select a chair and vice chair from among its respective membership.

(g) The members of the special commission shall be reimbursed for their actual and necessary expenses for attending the meetings of the special commission. The



special commission may authorize a payment of a per diem not to exceed one hundred dollars (\$100) to the members of the special commission for each day while they are in attendance at meetings of the special commission. The per diem may be in addition to the reimbursement for actual and necessary expenses. The special commission may appoint employees, including counsel, define their qualifications and duties, and provide compensation for the performance of their duties. The special commission may contract with any other public or private agency for any services necessary to carry out the purposes of this section. The cost of the quarters, equipment, supplies, and operating expenses incurred by the special commission shall not be a county charge but shall be paid by the special commission.

(h) As used in this section:

(1) “San Fernando Valley” means the territory included within the San Fernando Valley Statistical Area, as defined in Section 11093.

(2) “Special commission” means the Special Commission on Los Angeles Boundaries created pursuant to subdivision (b).

(i) This section shall only be implemented to the extent that funds for that purpose are appropriated in the annual Budget Act.

SEC. 3. Section 56844.2 is added to the Government Code, to read:

56844.2. (a) This section shall only apply to a special reorganization.

(b) All public employees to which Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 applies shall continue to be deemed public employees of the original local agency or of the newly incorporated local agency for all the purposes of that chapter, including, but not limited to, the continuation and application of any collective bargaining agreement that applies to these employees, and all representational and collective bargaining rights under that chapter.

(c) Any existing collective bargaining agreement shall remain in effect and be fully binding on the original local



agency or on the newly incorporated local agency, and on the employee organizations that are parties to the agreement for the balance of the term of the agreement, and until a subsequent agreement has been established.

(d) Any existing retiree benefits, including, but not limited to, health, dental, and vision care benefits, shall not be diminished.

(e) Notwithstanding any other provision of law, an employee organization that has been recognized as the exclusive representative of local agency public employees affected by a special reorganization shall retain exclusive representation of the unit employees of the original local agency, or of the newly incorporated local agency.

SEC. 4. Section 57079 of the Government Code is amended to read:

57079. (a) Notwithstanding Sections 57075 and 57078, if the proposed change of organization is a city detachment, the conducting authority, not more than 30 days after the conclusion of the hearing, may by resolution terminate the detachment proceedings.

(b) Notwithstanding Sections 57075, 57077, and 57078, if a proposed reorganization includes the detachment of territory from any city, the conducting authority, not more than 30 days after conclusion of the hearing, shall terminate the proceeding if a resolution or written protest against the reorganization is filed prior to the conclusion of the hearing by any city from which any portion of the territory of the city would be detached or removed pursuant to the reorganization.

(c) This section shall not apply to a special reorganization.

SEC. 5. Section 57103.1 is added to the Government Code, to read:

57103.1. Notwithstanding Section 57103, in any resolution ordering a special reorganization, the conducting authority shall call an election in both of the following territories:

(a) The territory ordered to be detached from the city.



(b) The entire territory of the city from which the detachment is ordered to occur.

SEC. 6. Section 57132.5 is added to the Government Code, to read:

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

SEC. 7. Section 57176.1 is added to the Government Code, to read:

57176.1. Notwithstanding subdivision (a) of Section 57176, the conducting authority shall adopt, within 30 days of the canvass of the election, a resolution confirming a special reorganization if a majority of votes cast upon the question are in favor of the special reorganization in both of the following circumstances:

(a) An election called in the territory ordered to be detached from the city.

(b) An election called in the entire territory of the city from which the detachment is ordered to occur.



Approved _____, 1997

Governor

