

AMENDED IN ASSEMBLY MAY 5, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2611

Introduced by Assembly Member Kuehl

February 23, 1998

An act to amend the heading of Chapter 2 (commencing with Section 26525) of, and to add Article 5 (commencing with Section 26567.1) to Chapter 2 of, Division 17 of, and to repeal Section 26581 of, the Public Resources Code, relating to geologic hazard abatement districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2611, as amended, Kuehl. Geologic hazard abatement districts: changes of organization.

Under existing law, geologic hazard abatement districts may be formed in accordance with prescribed procedures for the prevention, mitigation, abatement, or control of a geologic hazard or structural hazards that are partly or wholly caused by geologic hazards.

This bill would prescribe procedures for the annexation of territory to, the detachment of territory from, and the dissolution of, an existing geologic hazard abatement district.

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. The heading of Chapter 2 (commencing
2 with Section 26525) of Division 17 of the Public Resources
3 Code is amended to read:

4
5 CHAPTER 2. DISTRICT ~~FORMATION~~ *FORMATION*
6 *AND CHANGES OF ORGANIZATION*

7 SEC. 2. Article 5 (commencing with Section 26567.1)
8 is added to Chapter 2 of Division 17 of the Public
9 Resources Code, to read:

10
11 Article 5. Changes of Organization

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13 26567.1. (a) The legislative body, either in a single
14 proceeding or by separate proceedings, may order one or
15 any combination of the following changes of organization:

16 (1) The annexation of territory to an existing district
17 formed under this division.

18 (2) The detachment of territory from an existing
19 district formed under this division.

20 (3) The dissolution of an existing district formed under
21 this division.

22 (b) The legislative body shall not, by annexation,
23 detachment, or dissolution, alter the obligation of
24 property owners to pay the principal of, and interest on,
25 bonds, if any, issued pursuant to Chapter 4 (commencing
26 with Section 26587). This section does not prevent the
27 lawful refunding of bonds issued, or the apportionment of
28 assessment upon the division of properties assessed.

29 26567.2. Except as otherwise provided in this article,
30 proceedings for a change of organization shall be
31 initiated, conducted, and completed in substantial
32 accordance with the procedure provided in Article 3
33 (commencing with Section 26550) and Article 4
34 (commencing with Section 26561) for the formation of a
35 district.

36 26567.3. At any time following the adoption of the
37 resolution pursuant to Section 26567, the board of
38 directors may proceed to annex territory to the district.



1 The proceedings for annexation shall follow the
2 procedure contained in Article 3 (commencing with
3 Section 26550) and Article 4 (commencing with Section
4 26561). In that instance, the board of directors shall
5 assume the responsibilities of the legislative body, except
6 as provided in this article. Annexation of territory to a
7 district shall be subject to the approval of the legislative
8 body which ordered formation of the district. That
9 approval shall be given by resolution, following the order
10 by the board of directors for annexation of territory to the
11 district.

12 ~~26567.4. In detachment proceedings, the legislative~~
13 ~~body may dispense with the resolution and plan of control~~
14 ~~required by Sections 26553, 26558, and 26562 and may~~
15 ~~initiate detachment proceedings by the adoption of a~~
16 ~~resolution of intention. In detachment proceedings, only~~
17 ~~the owner of real property within the territory proposed~~
18 ~~to be detached shall have the right to object to the~~
19 ~~detachment.~~

20 *26567.4. The board of directors may proceed to*
21 *detach territory from the district. The proceedings for*
22 *detachment shall follow the procedure contained in*
23 *Article 3 (commencing with Section 26550) and Article*
24 *4 (commencing with Section 26561). In that instance, the*
25 *board of directors shall assume the responsibilities of the*
26 *legislative body. Detachment of territory from a district*
27 *shall be subject to the approval of the legislative body or*
28 *bodies which ordered the formation of the district. That*
29 *approval shall be given by resolution, following the order*
30 *by the board of directors for detachment of territory from*
31 *the district.*

32 26567.5. In dissolution proceedings, the legislative
33 body may dispense with the resolution and plan of control
34 required by Sections 26553, 26558, and 26562 and may
35 initiate dissolution proceedings by the adoption of a
36 resolution of intention. If the legislative body orders the
37 dissolution of a district, any moneys in the improvement
38 fund for the district shall be transferred to the general
39 fund of the local agency *that ordered the formation of the*
40 *district. If more than one local agency ordered the*



1 *formation of the district, any money or property*
2 *belonging to the district at the time of dissolution shall be*
3 *distributed by the board of directors to the local agencies*
4 *in the proportions in which they have respectively*
5 *contributed to the expense and operation of the district.*

6 26567.6. Notwithstanding any other provision of law,
7 proceedings for the formation of a district pursuant to this
8 division are exclusive.

9 SEC. 3. Section 26581 of the Public Resources Code is
10 repealed.

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