

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY MAY 19, 1999

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1553

**Introduced by Assembly Members Calderon and
Granlund and Senator Baca**

February 26, 1999

An act to amend Section 56425 of, and to add Sections 25210.70a and 56429 to, the Government Code, to add Section 33492.42 to the Health and Safety Code, to amend Section 1505.5 of the Public Utilities Code, and to amend Section 71697 of the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1553, as amended, Calderon. Local government: redevelopment.

(1) Existing law provides procedures for the establishment of county service areas for counties to provide specified governmental services within unincorporated areas, for the establishment of municipal water districts, and for the formation of joint powers agencies as redevelopment agencies for the redevelopment of military facilities located within the redevelopment project area of the agencies.

This bill would authorize those entities with respect to certain territory within the Norton Air Force Redevelopment Project Area to establish sewer and water supply facilities on specified state lands without approval by other agencies, except as specified. The bill would exempt water service, as specified, in that redevelopment project area from a requirement for the payment of just compensation for private utility property taken for public purposes.

(2) Existing law requires a local agency formation commission to determine the territory to be included in a sphere of influence for local agencies within its jurisdiction and the need for and capacity of public facilities.

This bill would authorize residents or landowners of unincorporated territory located in that redevelopment project area to petition a local agency formation commission for the removal of the land from a city’s sphere of influence, thereby creating a state-mandated local program by imposing new duties on those commissions. The bill would provide that a determination of a city’s sphere of influence shall not preclude the provision of specified services to that redevelopment project area.

(3) 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.

Vote: majority. 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 25210.70a is added to the
2 Government Code, to read:



1 25210.70a. (a) A county service area in whose
2 territory all or any portion of the redevelopment project
3 area referenced in subdivision (e) of Section 33492.41 of
4 the Health and Safety Code is located may locate,
5 construct, and maintain facilities and infrastructure for
6 sewer and water pipelines or other facilities for sewer
7 transmission and water supply or distribution systems
8 along and across any street or public highway and on any
9 lands that are now or hereafter owned by the state, for the
10 purpose of providing facilities or services related to
11 development, as defined in subdivision (e) of Section
12 56426, to or in that portion of the redevelopment project
13 area that, as of January 1, 2000, meets all of the following
14 requirements:

- 15 (1) Is unincorporated territory.
- 16 (2) Contains at least 100 acres.
- 17 (3) Is surrounded or substantially surrounded by
18 incorporated territory.
- 19 (4) Contains at least 100 acres zoned for commercial or
20 industrial uses or is designated on the applicable county
21 general plan for commercial or industrial uses.

22 (b) The provision of facilities or services related to
23 development may be provided by the county service area
24 to all or any portion of the area defined in paragraphs (1)
25 to (4), inclusive, of subdivision (a). Notwithstanding any
26 other provision of this code, building ordinances, zoning
27 ordinances, and any other local ordinances, rules, and
28 regulations of a city or other political subdivision of the
29 state shall not apply to the location, construction, or
30 maintenance of facilities or services related to
31 development pursuant to this section.

32 SEC. 2. Section 56425 of the Government Code is
33 amended to read:

34 56425. (a) In order to carry out its purposes and
35 responsibilities for planning and shaping the logical and
36 orderly development and coordination of local
37 governmental agencies so as to advantageously provide
38 for the present and future needs of the county and its
39 communities, the commission shall develop and
40 determine the sphere of influence of each local



1 governmental agency within the county. In determining
2 the sphere of influence of each local agency, the
3 commission shall consider and prepare a written
4 statement of its determinations with respect to each of
5 the following:

6 (1) The present and planned land uses in the area,
7 including agricultural and open-space lands.

8 (2) The present and probable need for public facilities
9 and services in the area.

10 (3) The present capacity of public facilities and
11 adequacy of public services which the agency provides or
12 is authorized to provide.

13 (4) The existence of any social or economic
14 communities of interest in the area if the commission
15 determines that they are relevant to the agency.

16 (b) Upon determination of a sphere of influence, the
17 commission shall adopt that sphere, and shall periodically
18 review and update the adopted sphere.

19 (c) The commission may recommend governmental
20 reorganizations to particular agencies in the county,
21 using the spheres of influence as the basis for those
22 recommendations. Those recommendations shall be
23 made available, upon request, to other agencies or to the
24 public.

25 (d) A determination of a city's sphere of influence,
26 which sphere of influence includes any portion of the
27 redevelopment project area referenced in subdivision
28 (e) of Section 33492.41 of the Health and Safety Code,
29 shall not preclude any other local agency as defined in
30 Section 54951, including the redevelopment agency
31 referenced in Section 33492.41 of the Health and Safety
32 Code, in addition to that city, from providing facilities or
33 services related to development, as defined in subdivision
34 (e) of Section 56426, to or in that portion of the
35 redevelopment project area that, as of January 1, 2000,
36 meets all of the following requirements:

37 (1) Is unincorporated territory.

38 (2) Contains at least 100 acres.

39 (3) Is surrounded or substantially surrounded by
40 incorporated territory.



1 (4) Contains at least 100 acres zoned for commercial or
2 industrial uses or is designated on the applicable county
3 general plan for commercial or industrial uses.

4 (e) The provision of facilities or services related to
5 development may be provided by other local agencies to
6 all or any portion of the area defined in paragraphs (1) to
7 (4), inclusive, of subdivision (d). Subdivision (d) and this
8 subdivision shall be effective whether the determination
9 of the sphere of influence is made preceding or
10 subsequent to January 1, 2000.

11 SEC. 3. Section 56429 is added to the Government
12 Code, to read:

13 56429. (a) Notwithstanding Sections 56427 and
14 56428, a petition for removal from a sphere of influence
15 determination may be brought pursuant to this section by
16 landowners within the redevelopment project area
17 referenced in subdivision (e) of Section 33492.41 of the
18 Health and Safety Code, provided that at the time the
19 petition is submitted the area for which the petition is
20 being requested meets all of the following requirements:

21 (1) Is unincorporated territory.

22 (2) Contains at least 100 acres.

23 (3) Is surrounded or substantially surrounded by
24 incorporated territory.

25 (4) Contains at least 100 acres zoned for commercial or
26 industrial uses or is designated on the applicable county
27 general plan for commercial or industrial uses.

28 (b) On receipt of a petition signed by landowners
29 owning at least 25 percent of the assessed value of the land
30 within the affected territory, the commission shall hear
31 and consider oral or written testimony.

32 (c) The petition shall be placed on the agenda of the
33 commission in accordance with subdivision (b) of Section
34 56428.

35 (d) The executive officer shall give notice of the
36 hearing in accordance with Section 56427.

37 (e) From the date of filing of the petition to the
38 conclusion of the hearing, the commission shall accept
39 written positions from any owner of land in the



1 unincorporated territory that is seeking removal from a
2 city’s sphere of influence.

3 (f) The petition to remove territory from a city’s
4 sphere of influence shall be granted and given immediate
5 effect if the commission finds that written positions filed
6 in favor of the petition and not withdrawn prior to the
7 conclusion of the hearing represent landowners owning
8 50 percent or more of the assessed value of the land within
9 the affected territory.

10 (g) No removal from a city’s sphere of influence that
11 is proposed by petition and adopted pursuant to this
12 section shall be repealed or amended except by the
13 petition and adoption procedure provided above in this
14 section. In all other respects, a removal from a city’s
15 sphere of influence proposed by petition and adopted
16 pursuant to this section shall have the same force and
17 effect as any amendment to or removal from a city’s
18 sphere of influence approved by the commission. No
19 property removed from a city’s sphere of influence
20 pursuant to this section shall be annexed to that city,
21 unless the property is subsequently added to the sphere
22 of influence of the city pursuant to the petition and
23 adoption procedure provided in this section.

24 (h) ~~The Pursuant to Section 56383, the~~ commission
25 may establish a schedule of fees for the costs of carrying
26 out this section. ~~Those fees shall not exceed the estimated~~
27 ~~reasonable cost of providing the service for which the fee~~
28 ~~is charged. The commission shall impose the fees~~
29 ~~pursuant to Section 66016.~~

30 (i) All proper expenses incurred in connection with
31 removal from a city’s sphere of influence pursuant to this
32 section shall be paid by the proponents.

33 SEC. 4. Section 33492.42 is added to the Health and
34 Safety Code, to read:

35 33492.42. (a) The redevelopment agency referenced
36 in Section 33492.41 may locate, construct, and maintain
37 facilities and infrastructure for sewer and water pipelines
38 or other facilities for sewer transmission and water supply
39 or distribution systems along and across any street or
40 public highway and on any lands that are now or



1 hereafter owned by the state, for the purpose of providing
2 facilities or services related to development, as defined in
3 subdivision (e) of Section 56426 of the Government Code,
4 to or in that portion of the redevelopment project area
5 referenced in subdivision (e) of Section 33492.41 that, as
6 of January 1, 2000, meets all of the following
7 requirements:

8 (1) Is unincorporated territory.

9 (2) Contains at least 100 acres.

10 (3) Is surrounded or substantially surrounded by
11 incorporated territory.

12 (4) Contains at least 100 acres zoned for commercial or
13 industrial uses or is designated on the applicable county
14 general plan for commercial or industrial uses.

15 (b) The provision of facilities or services related to
16 development may be provided by the redevelopment
17 agency to all or any portion of the area defined in
18 paragraphs (1) to (4), inclusive, of subdivision (a).
19 Notwithstanding any other provision of the Government
20 Code, building ordinances, zoning ordinances, and any
21 other local ordinances, rules, and regulations of a city or
22 other political subdivision of the state shall not apply to
23 the location, construction, or maintenance of facilities or
24 services related to development pursuant to this section.

25 SEC. 5. Section 1505.5 of the Public Utilities Code is
26 amended to read:

27 1505.5. (a) Sections 1503 and 1504 shall apply to any
28 political subdivision that constructs facilities to provide or
29 extend water service or provides or extends that service
30 to any territory theretofore actually being lawfully served
31 by any other political subdivision with facilities designed
32 and constructed to provide the same type of service. This
33 section shall not apply to any territory, or portion thereof,
34 that is the subject of any final judgment or litigation
35 pending on January 1, 1974, involving any duplication of
36 water service occurring prior to that date.

37 (b) Sections 1503 and 1504 shall not apply to a local
38 agency as defined in Section 54951 of the Government
39 Code, including the redevelopment agency referenced
40 in Section 33492.41 of the Health and Safety Code that



1 provides water services to all or any part of that portion
2 of the redevelopment project area referenced in
3 subdivision (e) of Section 33492.41 of the Health and
4 Safety Code that, as of January 1, 2000, meets all of the
5 following requirements:

- 6 (1) Is unincorporated territory.
- 7 (2) Contains at least 100 acres.
- 8 (3) Is surrounded or substantially surrounded by
9 incorporated territory.

10 (4) Contains at least 100 acres zoned for commercial or
11 industrial uses or is designated on the applicable county
12 general plan for commercial or industrial uses.

13 (c) A local agency, as defined in Section 54951 of the
14 Government Code, or the redevelopment agency
15 referenced in Section 33492.41 of the Health and Safety
16 Code that provides sewer services to all or any part of that
17 portion of the redevelopment project area referenced in
18 subdivision (e) of Section 33492.41 of the Health and
19 Safety Code and that, as of January 1, 2000, meets all of
20 requirements specified in the following paragraphs (1) to
21 (4), inclusive, shall not be required to pay compensation
22 to another local agency providing sewer services to the
23 same area:

- 24 (1) Is unincorporated territory.
- 25 (2) Contains at least 100 acres.
- 26 (3) Is surrounded or substantially surrounded by
27 incorporated territory.

28 (4) Contains at least 100 acres zoned for commercial or
29 industrial uses or is designated on the applicable county
30 general plan for commercial or industrial uses.

31 SEC. 6. Section 71697 of the Water Code is amended
32 to read:

33 71697. (a) A district may locate, construct, and
34 maintain district works along and across any street or
35 public highway and on any lands that are now or
36 hereafter owned by the state; and a district has the same
37 rights and privileges appertaining thereto as have been
38 or may be granted to cities within the state. For districts
39 whose territory includes any portion of the
40 redevelopment project area referenced in subdivision



1 (e) of Section 33492.41 of the Health and Safety Code, the
2 exercise of this right shall not be subject to any permitting
3 and approval requirements of any local agency other than
4 the municipal water district that is locating, constructing,
5 or maintaining these district works to the extent that this
6 right is exercised for the purpose of providing facilities or
7 services related to development, as defined in subdivision
8 (e) of Section 56426 of the Government Code, to or in that
9 portion of the redevelopment project area that, as of
10 January 1, 2000, meets all of the following requirements:

- 11 (1) Is unincorporated territory.
- 12 (2) Contains at least 100 acres.
- 13 (3) Is surrounded or substantially surrounded by
14 incorporated territory.
- 15 (4) Contains at least 100 acres zoned for commercial or
16 industrial uses or is designated on the applicable county
17 general plan for commercial or industrial uses.

18 (b) The provision of facilities or services related to
19 development may be provided by the district to all or any
20 portion of the area defined in paragraphs (1) to (4),
21 inclusive, of subdivision (a). Notwithstanding any other
22 provision of the Government Code, building ordinances,
23 zoning ordinances, and any other local ordinances, rules,
24 and regulations of a city or other political subdivision of
25 the state shall not apply to the location, construction, or
26 maintenance of facilities or services related to
27 development pursuant to this section.

28 SEC. 7. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

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