

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JULY 1, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 853

Introduced by Assembly Member Arambula

February 26, 2009

An act to amend Sections 56425 and 56430 of, and to add Sections 56033.5 and 56650.1 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 853, as amended, Arambula. Local government: organization.

(1) The Cortese-Knox-Hertzberg Act of 2000 governs the organization and reorganization of local governmental entities, including, among other things, the annexation of island territories to a city or county.

The bill would require a board of supervisors, within 180 days of receiving a petition to apply for annexation to a city or reorganization that includes an annexation to a city, to adopt a resolution of application for an annexation to a city or reorganization that includes an annexation

to a city if the affected territory meets specified conditions, thereby imposing a state-mandated local program.

(2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, in preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified.

This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics, including infrastructure needs or deficiencies, or any disadvantaged inhabited communities, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2010, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, nonagricultural water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities.

(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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 56033.5 is added to the Government
- 2 Code, to read:

1 56033.5. “Disadvantaged inhabited community” means
2 inhabited territory, as defined by Section 56046 or as determined
3 by commission policy, that constitutes all or a portion of a
4 “disadvantaged community,” as defined by Section 75005 of the
5 Public Resources Code.

6 SEC. 2. Section 56425 of the Government Code is amended
7 to read:

8 56425. (a) In order to carry out its purposes and responsibilities
9 for planning and shaping the logical and orderly development and
10 coordination of local governmental agencies to advantageously
11 provide for the present and future needs of the county and its
12 communities, the commission shall develop and determine the
13 sphere of influence of each local governmental agency within the
14 county and enact policies designed to promote the logical and
15 orderly development of areas within the sphere.

16 (b) Prior to a city submitting an application to the commission
17 to update its sphere of influence, representatives from the city and
18 representatives from the county shall meet to discuss the proposed
19 new boundaries of the sphere and explore methods to reach
20 agreement on development standards and planning and zoning
21 requirements within the sphere to ensure that development within
22 the sphere occurs in a manner that reflects the concerns of the
23 affected city and is accomplished in a manner that promotes the
24 logical and orderly development of areas within the sphere. If an
25 agreement is reached between the city and county, the city shall
26 forward the agreement in writing to the commission, along with
27 the application to update the sphere of influence. The commission
28 shall consider and adopt a sphere of influence for the city consistent
29 with the policies adopted by the commission pursuant to this
30 section, and the commission shall give great weight to the
31 agreement to the extent that it is consistent with commission
32 policies in its final determination of the city sphere.

33 (c) If the commission’s final determination is consistent with
34 the agreement reached between the city and county pursuant to
35 subdivision (b), the agreement shall be adopted by both the city
36 and county after a noticed public hearing. Once the agreement has
37 been adopted by the affected local agencies and their respective
38 general plans reflect that agreement, then any development
39 approved by the county within the sphere shall be consistent with
40 the terms of that agreement.

1 (d) If no agreement is reached pursuant to subdivision (b), the
2 application may be submitted to the commission and the
3 commission shall consider a sphere of influence for the city
4 consistent with the policies adopted by the commission pursuant
5 to this section.

6 (e) In determining the sphere of influence of each local agency,
7 the commission shall consider and prepare a written statement of
8 its determinations with respect to each of the following:

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

11 (2) The present and probable need for public facilities and
12 services in the area. Upon the next review and update of a sphere
13 of influence that occurs pursuant to subdivision (g) on or after July
14 1, 2011, the review and update of each sphere of influence of a
15 city or special district that provides public facilities or services
16 related to sewers, nonagricultural water, or structural fire protection
17 shall include the present and probable need for public facilities
18 and services of any disadvantaged inhabited communities.

19 (3) The present capacity of public facilities and adequacy of
20 public services that the agency provides or is authorized to provide.

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

24 (f) Upon determination of a sphere of influence, the commission
25 shall adopt that sphere.

26 (g) On or before January 1, 2008, and every five years thereafter,
27 the commission shall ~~review and update, as necessary,~~ *as*
28 *necessary, review and update* each sphere of influence.

29 (h) The commission may recommend governmental
30 reorganizations to particular agencies in the county, using the
31 spheres of influence as the basis for those recommendations. Those
32 recommendations shall be made available, upon request, to other
33 agencies or to the public. The commission shall make all reasonable
34 efforts to ensure wide public dissemination of the
35 recommendations.

36 (i) When adopting, amending, or updating a sphere of influence
37 for a special district, the commission shall do all of the following:

38 (1) Require existing districts to file written statements with the
39 commission specifying the functions or classes of services provided
40 by those districts.

1 (2) Establish the nature, location, and extent of any functions
2 or classes of services provided by existing districts.

3 SEC. 3. Section 56430 of the Government Code is amended
4 to read:

5 56430. (a) In order to prepare and to update spheres of
6 influence in accordance with Section 56425, the commission shall
7 conduct a service review of the municipal services provided in the
8 county or other appropriate area designated by the commission.
9 The commission shall include in the area designated for service
10 review the county, the region, the subregion, or any other
11 geographic area as is appropriate for an analysis of the service or
12 services to be reviewed, and shall prepare a written statement of
13 its determinations with respect to each of the following:

14 (1) Growth and population projections for the affected area.

15 (2) The location and characteristics, including infrastructure
16 needs or deficiencies, of any disadvantaged inhabited communities.

17 (3) Present and planned capacity of public facilities and
18 adequacy of public services, including infrastructure needs or
19 deficiencies.

20 (4) Financial ability of agencies to provide services.

21 (5) Status of, and opportunities for, shared facilities.

22 (6) Accountability for community service needs, including
23 governmental structure and operational efficiencies.

24 (7) Any other matter related to effective or efficient service
25 delivery, as required by commission policy.

26 (b) In conducting a service review, the commission shall
27 comprehensively review all of the agencies that provide the
28 identified service or services within the designated geographic
29 area.

30 (c) The commission shall conduct a service review before, or
31 in conjunction with, but no later than the time it is considering an
32 action to establish a sphere of influence in accordance with Section
33 56425 or Section 56426.5 or to update a sphere of influence
34 pursuant to Section 56425.

35 SEC. 4. Section 56650.1 is added to the Government Code, to
36 read:

37 56650.1. (a) Within 180 days of receiving a petition that meets
38 the qualifications described in subdivision (b), a board of
39 supervisors shall adopt a resolution of application for an annexation

1 to a city or a reorganization that includes an annexation to a city
2 if the affected territory meets all of the following conditions:

3 (1) The territory is all or a portion of a disadvantaged inhabited
4 community.

5 (2) The territory is an inhabited territory.

6 (3) The territory is within the city's sphere of influence.

7 (4) The territory is contiguous to the city.

8 (b) A petition to request a board of supervisors to apply for an
9 annexation to a city or reorganization that includes an annexation
10 to a city shall be signed by either of the following:

11 (1) Not less than 25 percent of the registered voters residing in
12 the territory proposed to be annexed, as shown on the county
13 register of voters.

14 (2) Not less than 25 percent of the number of owners of land
15 within the territory proposed to be annexed who also own 25
16 percent of the assessed value of land within the territory as shown
17 on the last equalized assessment roll.

18 SEC. 5. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.