

Introduced by Senator Wiggins

February 23, 2009

An act to amend Section 56668 of, and to repeal Section 56668.5 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 215, as amended, Wiggins. Local government: organization.

(1) Existing law, the Cortese-Knox-Hertzberg Act, requires a local agency formation commission, when reviewing a proposal for a change of organization or reorganization, to consider specified factors, including the proposal's consistency with city or county general and specific plans.

This bill would modify that factor so that a commission would be required to consider the proposal's consistency with city or county general and specific plans, and any applicable transportation plan, when reviewing a proposal for a change of organization or reorganization, *thus imposing a state-mandate*.

(2) Existing law authorizes a commission to consider the regional growth goals and policies established by a collaboration of elected officials.

This bill would repeal that provision.

~~(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, 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.

(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 the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and 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 56668 of the Government Code is
- 2 amended to read:
- 3 56668. Factors to be considered in the review of a proposal
- 4 shall include, but not be limited to, all of the following:
- 5 (a) Population and population density; land area and land use;
- 6 per capita assessed valuation; topography, natural boundaries, and
- 7 drainage basins; proximity to other populated areas; the likelihood
- 8 of significant growth in the area, and in adjacent incorporated and
- 9 unincorporated areas, during the next 10 years.
- 10 (b) The need for organized community services; the present
- 11 cost and adequacy of governmental services and controls in the
- 12 area; probable future needs for those services and controls; probable
- 13 effect of the proposed incorporation, formation, annexation, or
- 14 exclusion and of alternative courses of action on the cost and
- 15 adequacy of services and controls in the area and adjacent areas.
- 16 “Services,” as used in this subdivision, refers to governmental
- 17 services whether or not the services are services which would be
- 18 provided by local agencies subject to this division, and includes
- 19 the public facilities necessary to provide those services.
- 20 (c) The effect of the proposed action and of alternative actions,
- 21 on adjacent areas, on mutual social and economic interests, and
- 22 on the local governmental structure of the county.
- 23 (d) The conformity of both the proposal and its anticipated
- 24 effects with both the adopted commission policies on providing

1 planned, orderly, efficient patterns of urban development, and the
2 policies and priorities set forth in Section 56377.

3 (e) The effect of the proposal on maintaining the physical and
4 economic integrity of agricultural lands, as defined by Section
5 56016.

6 (f) The definiteness and certainty of the boundaries of the
7 territory, the nonconformance of proposed boundaries with lines
8 of assessment or ownership, the creation of islands or corridors of
9 unincorporated territory, and other similar matters affecting the
10 proposed boundaries.

11 (g) Consistency with city or county general and specific plans,
12 and any applicable regional transportation plan, including a
13 sustainable communities strategy or alternate planning strategy,
14 adopted pursuant to Section 65080.

15 (h) The sphere of influence of any local agency which may be
16 applicable to the proposal being reviewed.

17 (i) The comments of any affected local agency or other public
18 agency.

19 (j) The ability of the newly formed or receiving entity to provide
20 the services which are the subject of the application to the area,
21 including the sufficiency of revenues for those services following
22 the proposed boundary change.

23 (k) Timely availability of water supplies adequate for projected
24 needs as specified in Section 65352.5.

25 (l) The extent to which the proposal will affect a city or cities
26 and the county in achieving their respective fair shares of the
27 regional housing needs as determined by the appropriate council
28 of governments consistent with Article 10.6 (commencing with
29 Section 65580) of Chapter 3 of Division 1 of Title 7.

30 (m) Any information or comments from the landowner or
31 owners, voters, or residents of the affected territory.

32 (n) Any information relating to existing land use designations.

33 (o) The extent to which the proposal will promote environmental
34 justice. As used in this subdivision, “environmental justice” means
35 the fair treatment of people of all races, cultures, and incomes with
36 respect to the location of public facilities and the provision of
37 public services.

38 SEC. 2. Section 56668.5 of the Government Code is repealed.

39 ~~SEC. 3. If the Commission on State Mandates determines that~~
40 ~~this act contains costs mandated by the state, reimbursement to~~

1 ~~local agencies and school districts for those costs shall be made~~
2 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
3 ~~4 of Title 2 of the Government Code.~~

4 *SEC. 3. No reimbursement is required by this act pursuant to*
5 *Section 6 of Article XIII B of the California Constitution because*
6 *a local agency or school district has the authority to levy service*
7 *charges, fees, or assessments sufficient to pay for the program or*
8 *level of service mandated by this act, within the meaning of Section*
9 *17556 of the Government Code.*