

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN ASSEMBLY JUNE 17, 1999

AMENDED IN SENATE MAY 3, 1999

AMENDED IN SENATE APRIL 7, 1999

SENATE BILL

No. 275

Introduced by Committee on Local Government (Senators Rainey (Chair), Baca, Johannessen, Johnston, Monteith, Perata, and Polanco

February 1, 1999

An act to amend Sections 349.1 and 349.4 of, and to repeal Section 349^{1/2} of, the Code of Civil Procedure, to amend Section 13.5 of the Elections Code, to amend Sections 27000.8, 27000.9, 27063, 30063, 37361, 56103, 56332, 56853, 56857, 61107, 65307, 65850, 65850.4, 65956, 66451.2, 66458, 66498.1, 66498.2, and 66498.3 of, and to repeal Section 77202.5 of, the Government Code, to amend Sections 4730.6 and 13890 of the Health and Safety Code, and to amend Sections 98.02, 99, 4986.3, and 11005 of the Revenue and Taxation Code, relating to local agencies, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 275, as amended, Committee on Local Government. 1999 Local Agency Omnibus Act.

(1) Existing law requires that lawsuits challenging boundary changes and other changes of organization or reorganizations subject to the Cortese-Knox Local



Government Reorganization Act of 1985 be commenced within 60 days after proceedings are completed. However, laws enacted prior to that act provide that the deadlines to contest those proceedings are 3 months or 6 months, as specified.

This bill would repeal the 3-month deadline and make the 6-month deadline inapplicable to proceedings under the Cortese-Knox Act.

(2) Existing law provides that in order to be considered a legally qualified candidate for certain county and judicial offices, a person is required to file specified documents.

This bill would add to those offices requiring the filing of those documents the offices of county treasurer, county tax collector, and county treasurer-tax collector.

(3) Existing law authorizes a county board of supervisors to enact an ordinance adopting continuing education requirements for the office of county treasurer, county tax collector, or county treasurer-tax collector within the discipline of treasury management or public finance or both.

This bill would also permit the continuing education requirements to be within the disciplines of public administration, governmental accounting, or directly related subjects.

(4) Existing law requires the county treasurer to file with the county board of supervisors a monthly report of funds received and disbursed.

This bill would authorize a county auditor to file those reports if the county treasurer and county auditor have a written agreement.

(5) Existing law requires the county auditor and the city treasurer to file a written report on or before September 1 each year with the Supplemental Law Enforcement Oversight Committee and the local governing body detailing and summarizing allocations from the county's or city's Supplemental Law Enforcement Services Fund, as applicable for the entire preceding year. Existing law requires local officials to hold a public hearing in September in each year that the Legislature appropriates money to the fund for the purpose of considering requests for money from the fund.



This bill instead would require the report to be filed on or before the date of the duly noticed public hearing.

(6) Existing law authorizes the legislative body of a city to impose appropriate and reasonable control of the use or appearance of neighboring private property within public view of places, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.

This bill would make corrective, technical changes in that provision.

(7) Under existing law, when the executive officer of a local agency formation commission determines that it is not feasible to hold a meeting of the special district selection committee for the purpose of selecting the special district representatives to the commission or for filling a vacancy, the executive officer may conduct the selection process by delivering the necessary papers, or sending them by certified mail, to each independent special district.

This bill would additionally authorize this selection process to be conducted by electronic mail.

(8) Existing law requires the executive officer of a local agency formation commission to mail a copy of the commission's resolution of its determinations concerning a proposed change of organization or reorganization to the chief petitioners, if any, each affected local agency whose boundaries would be changed, and the conducting authority.

This bill would authorize the executive officer to transmit the resolutions by electronic mail.

(9) Under existing law, when a local agency formation commission is requested to amend or reconsider a resolution making determinations, the deadline for filing certain actions is tolled during the time it takes the commission to act on the request.

This bill would toll the time for filing any action during the time it takes the commission to act on the request.

(10) Existing law specifies the proceedings necessary to form a community services district.

This bill would correct a technical error in that provision.

(11) Existing law requires that on or before October 1, the planning agency of each city or county shall annually report



to its legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of its general plan and progress in its implementation.

This bill would correct an obsolete cross-reference in that provision.

(12) Existing law authorizes cities and counties to adopt zoning ordinances including content neutral zoning ordinances, regulating the time, place, and manner of operation of sexually oriented businesses, subject to specified conditions.

This bill would make a technical nonsubstantive change to those provisions.

(13) Under existing law, the failure of a development project applicant to submit complete or adequate information under the Permit Streamlining Act may be grounds for disapproving the project.

This bill would correct an obsolete cross-reference in that provision.

(14) Existing law permits cities and counties to establish fees for processing tentative, final, and parcel subdivision maps and related procedures.

This bill would correct obsolete cross-references in that provision.

(15) Under existing law, the legislative body of a city or county is required to provide specified notice of a pending approval or disapproval of a final subdivision map by the official to whom that authority has been delegated.

This bill instead would require that the notice be given by the clerk of the legislative body.

(16) Existing law specifies the time period for which rights exist that are conferred by a vesting tentative map.

This bill would correct obsolete cross references to that provision in other provisions of the Subdivision Map Act.

(17) Under existing law, in any year that the net county benefit for Ventura County between the property taxes allocated to cities by the county and the state money received by the county under the ~~Trail~~ *Trial* Court Funding Program is less than \$5,262,500, the county receives a special subvention from vehicle license fee revenues.



This bill instead would establish a subvention of vehicle license fee revenues to Ventura County equal to 60% of the property tax revenue allocated to no and low property tax cities.

(18) Existing law provides for the establishment of the Ventura Regional Sanitation District, and further provides that the board of directors shall be the governing board of the district. Existing law also provides for an independent special district committee, composed of the presiding officers of specified independent special districts.

This bill would redesignate the independent special district committee as the special district committee, and would revise the membership requirements for that committee.

(19) The Fire Protection District Law requires fire districts to adopt budgets conforming to specified state regulations.

This bill would correct an obsolete reference to those regulations.

(20) Existing law authorizes the cancellation of property taxes and special taxes imposed to pay for bonds in certain situations where the property was acquired by a city through foreclosure.

This bill would also permit these procedures for tax cancellation to be applied to property acquired through foreclosure by counties, cities and counties, special districts, school districts, and joint powers agencies.

(21) Existing law generally requires those agencies affected by a proposed jurisdictional change to negotiate, in accordance with specified procedures, an exchange of property tax revenues to reflect the changes in service area obligations that will result from the jurisdictional change. The process of negotiation, mediation, and arbitration concludes no more than 150 days after the initiation of proceedings for the jurisdictional change before the local agency formation commission.

This bill instead would require negotiation, mediation, and arbitration to be concluded no more than 150 days after the auditor provides specified property tax information to the local agencies.

(22) This bill would declare that it is to take effect immediately as an urgency statute but would also provide that



all but specified provisions of the bill shall become operative on January 1, 2000.

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. (a) This act shall be known and may be
2 cited as the 1999 Local Agency Omnibus Act.

3 (b) The Legislature finds and declares that
4 Californians desire their government to be run efficiently
5 and economically, and that public officials should avoid
6 waste and duplication whenever possible. The
7 Legislature further finds and declares that it desires to
8 control its own operating costs by reducing the number
9 of separate bills. Therefore, it is the intent of the
10 Legislature in enacting this act to combine several minor,
11 noncontroversial statutory changes relating to public
12 agencies into a single measure.

13 SEC. 2. Section 349^{1/2} of the Code of Civil Procedure
14 is repealed.

15 SEC. 3. Section 349.1 of the Code of Civil Procedure
16 is amended to read:

17 349.1. (a) The validity of any acts or proceedings
18 taken under color of law for the formation, organization,
19 incorporation, dissolution, consolidation, change of
20 organization or reorganization of, or for any change in the
21 territorial boundaries of, any county, city and county,
22 public corporation or other public entity, or
23 improvement district within any of the foregoing, shall
24 not be contested in any action unless the action shall have
25 been brought within six months from the date of
26 completion of those acts or proceedings. Unless an action
27 is commenced within that period, all of those acts or
28 proceedings shall be held valid and in every respect legal
29 and incontestable.

30 (b) This section shall not amend or repeal any existing
31 statute prescribing a shorter period of limitation than that
32 specified in this section.



1 (c) This section shall not apply to changes of
2 organization or reorganizations that are subject to the
3 Cortese-Knox Local Government Reorganization Act of
4 1985, Division 3 (commencing with Section 56000) of
5 Title 5 of the Government Code.

6 SEC. 4. Section 349.4 of the Code of Civil Procedure
7 is amended to read:

8 349.4. (a) All acts and proceedings heretofore or
9 hereafter taken under color of law for the formation,
10 organization or incorporation of, or for any change in the
11 territorial boundaries of, any county, city and county
12 public corporation or other public entity, or
13 improvement district, annexed area or zone within any
14 of the foregoing, and for the authorization, issuance, sale,
15 or exchange of bonds of the entity or the territory thereof
16 may be confirmed, validated, and declared legally
17 effective in the manner provided in this section.

18 (b) The legislative body of the entity may instruct its
19 clerk or secretary to mail a notice to all owners of
20 property within the entity, within the improvement
21 district or zone, or within the annexed area, as the case
22 may be, as their names and addresses appear on the last
23 equalized county assessment roll, or as known to the clerk
24 or secretary. The notice shall include the name of the
25 entity, the date the entity or the zone or improvement
26 district therein was ordered formed or its territory
27 changed by annexation or otherwise, as the case may be,
28 the amount of bonds authorized, if any, and a statement
29 that commencing with the date of mailing of the notice
30 there shall be a 60-calendar-day period during which
31 period any property owner may file an action contesting
32 the validity of the formation of the entity, or of the
33 improvement district or zone, or of the change of
34 boundaries by annexation or otherwise, as the case may
35 be, or the validity of the bond authorization, if any. The
36 clerk or secretary shall make and file with the legislative
37 body of the entity a certificate of mailing of the notices.
38 The legislative body of the entity may order the clerk or
39 secretary to include in the notice any other additional
40 information that it deems pertinent.

1 (c) If no action is filed during this 60-day period, the
2 formation of the entity or of the improvement district or
3 zone, or the change of boundaries by annexation or
4 otherwise, as the case may be, and the bond
5 authorization, if any, are valid and uncontestable.

6 (d) This section shall not apply to changes of
7 organization or reorganizations that are subject to the
8 Cortese-Knox Local Government Reorganization Act of
9 1985, Division 3 (commencing with Section 56000) of
10 Title 5 of the Government Code.

11 SEC. 5. Section 13.5 of the Elections Code is amended
12 to read:

13 13.5. (a) (1) Notwithstanding subdivision (a) of
14 Section 13, no person shall be considered a legally
15 qualified candidate for any of the offices set forth in
16 subdivision (b) unless that person has filed a declaration
17 of candidacy, nomination papers, or statement of write-in
18 candidacy, accompanied by documentation, including,
19 but not necessarily limited to, certificates, declarations
20 under penalty of perjury, diplomas, or official
21 correspondence, sufficient to establish, in the
22 determination of the official with whom the declaration
23 or statement is filed, that the person meets each
24 qualification established for service in that office by the
25 provision referenced in subdivision (b).

26 (2) The provision of “documentation,” for purposes of
27 compliance with the requirements of paragraph (1), may
28 include the submission of either an original, as defined in
29 Section 255 of the Evidence Code, or a duplicate, as
30 defined in Section 260 of the Evidence Code.

31 (b) This section shall be applicable to the following
32 offices and qualifications therefor:

33 (1) For the office of county auditor, the qualifications
34 set forth in Sections 26945 and 26946 of the Government
35 Code.

36 (2) For the office of county district attorney, the
37 qualifications set forth in Sections 24001 and 24002 of the
38 Government Code.

39 (3) For the office of county sheriff, the qualifications
40 set forth in Section 24004.3 of the Government Code.



1 (4) For the office of county superintendent of schools,
2 the qualifications set forth in Sections 1205 to 1208,
3 inclusive, of the Education Code.

4 (5) For the office of judge of the municipal court, the
5 qualifications set forth in Article 4 (commencing with
6 Section 71140) of Chapter 6 of Title 8 of the Government
7 Code.

8 (6) For the office of judge of the superior court, the
9 qualifications set forth in Section 15 of Article VI of the
10 California Constitution.

11 (7) For the office of county treasurer, county tax
12 collector, or county treasurer-tax collector, the
13 qualifications set forth in Section 27000.7 of the
14 Government Code, provided that the board of
15 supervisors has adopted the provisions of that section
16 pursuant to Section 27000.8 of the Government Code.

17 SEC. 6. Section 27000.8 of the Government Code is
18 amended to read:

19 27000.8. Any duly elected county treasurer, county
20 tax collector, or county treasurer-tax collector serving in
21 that office on January 1, 1996, may serve for his or her
22 remaining term of office during which period of time the
23 requirements of this section shall not apply. After the
24 election of a county treasurer, county tax collector, or
25 county treasurer-tax collector to office, that person shall
26 complete a valid continuing course of study as prescribed
27 in this section, and shall during the person's four-year
28 term of office on or before June 30 of the fourth year,
29 render to the State Controller a certification indicating
30 that the person has successfully completed a continuing
31 education program consisting of, at a minimum, 48 hours,
32 or an equivalent amount of continuing education units
33 within the discipline of treasury management, public
34 finance, public administration, governmental
35 accounting, or directly related subjects, offered by a
36 recognized state or national association, institute, or
37 accredited college or university, or the California Debt
38 and Investment Advisory Commission, that provides the
39 requisite educational programs prescribed in this section.
40 The willful or negligent failure of any elected county



1 treasurer, county tax collector, or county treasurer-tax
2 collector to comply with the requirements of this section
3 shall be deemed a violation of this section.

4 SEC. 7. Section 27000.9 of the Government Code is
5 amended to read:

6 27000.9. Notwithstanding any other requirement of
7 law, any duly appointed county officer serving in the
8 capacity of county treasurer, county tax collector, or
9 county treasurer-tax collector shall, beginning in 2000,
10 complete a valid continuing course of study as prescribed
11 in this section, and shall, on or before June 30 of each
12 two-year period, render to the State Controller, a
13 certification indicating that the county officer has
14 successfully completed a continuing education program
15 consisting of, at a minimum, 24 hours or an equivalent
16 amount of continuing education units within the
17 discipline of treasury management, public finance, public
18 administration, governmental accounting, or directly
19 related subjects, offered by a recognized state or national
20 association, institute, or accredited college or university,
21 or the California Debt and Investment Advisory
22 Commission, that provides the requisite educational
23 programs prescribed in this section. The willful or
24 negligent failure of any county officer serving in the
25 capacity of county treasurer, county tax collector, or
26 county treasurer-tax collector to comply with the
27 requirements of this section shall be deemed a violation
28 of this section.

29 SEC. 8. Section 27063 of the Government Code is
30 amended to read:

31 27063. Not later than the 25th day of each month, the
32 treasurer, or, if the auditor has a written agreement with
33 the treasurer, the auditor, shall file with the board of
34 supervisors a detailed report of all money received and
35 disbursed by him or her during the preceding report
36 period which shall be no less frequent than monthly, so
37 that the receipts into the treasury and the amounts of
38 disbursements for the period will distinctly appear. The
39 report shall be filed and preserved by the clerk of the
40 board.



1 SEC. 9. Section 30063 of the Government Code is
2 amended to read:

3 30063. (a) The Supplemental Law Enforcement
4 Services Fund (SLESF) in each county or city is to be
5 expended exclusively as required by this chapter. Moneys
6 in that fund shall not be transferred to, or intermingled
7 with, the moneys in any other fund in the county or city
8 treasury, except that moneys may be transferred from the
9 SLESF to the county's or city's general fund to the extent
10 necessary to facilitate the appropriation and expenditure
11 of those transferred moneys in the manner required by
12 this chapter.

13 (b) Moneys in a SLESF may only be invested in safe
14 and conservative investments in accordance with those
15 standards of prudent investment applicable to the
16 investment of trust moneys. The treasurer of the county
17 and each city shall provide a monthly SLESF investment
18 report to either the police chief or the county sheriff and
19 district attorney, as applicable.

20 (c) Each year, on or before the date of the duly
21 noticed public hearing required pursuant to paragraph
22 (1) of subdivision (c) of Section 30061, the county auditor
23 and city treasurer shall detail and summarize allocations
24 from the county's or city's SLESF, as applicable, in a
25 written, public report filed with the Supplemental Law
26 Enforcement Oversight Committee (SLEOC), the
27 county board of supervisors or city council, as applicable,
28 for the entirety of the immediately preceding fiscal year,
29 and the county sheriff or police chief, as applicable.

30 (d) A summary of the annual reports required in
31 subdivision (c) shall be submitted in a standardized
32 format to be developed by the Controller, in conjunction
33 with the California District Attorney's Association,
34 California Police Chief's Association, California State
35 Sheriff's Association, California Peace Officer's
36 Association, California County Auditor's Association, and
37 California Municipal Treasurer's Association, by each
38 SLEOC to the Controller on or before October 15, 1998,
39 and each year thereafter. Upon request, the Controller



1 shall make a copy of the summarized reports available to
2 the Governor and the Legislature.

3 SEC. 10. Section 37361 of the Government Code is
4 amended to read:

5 37361. (a) The legislative body may acquire property
6 for the preservation or development of a historical
7 landmark. The legislative body may also acquire property
8 for development for recreational purposes and for
9 development of facilities in connection therewith.

10 (b) The legislative body may provide for places,
11 buildings, structures, works of art, and other objects,
12 having a special character or special historical or aesthetic
13 interest or value, special conditions or regulations for
14 their protection, enhancement, perpetuation or use,
15 which may include appropriate and reasonable control of
16 the use or appearance of neighboring private property
17 within public view, or both.

18 (c) Until January 1, 1995, subdivision (b) shall not
19 apply to noncommercial property owned by a religiously
20 affiliated association or corporation not organized for
21 private profit, whether incorporated as a religious or
22 public benefit corporation, unless the owner of the
23 property does not object to its application. This
24 subdivision does apply to a charter city. Nothing in this
25 subdivision shall be construed to infringe on the authority
26 of the legislative body to enforce special conditions and
27 regulations on any property designated prior to January
28 1, 1994. Subdivision (b) shall not apply to noncommercial
29 property owned by any association or corporation that is
30 religiously affiliated and not organized for private profit,
31 whether the corporation is organized as a religious
32 corporation, or as a public benefit corporation, provided
33 that both of the following occur:

34 (1) The association or corporation objects to the
35 application of the subdivision to its property.

36 (2) The association or corporation determines in a
37 public forum that it will suffer substantial hardship, which
38 is likely to deprive the association or corporation of
39 economic return on its property, the reasonable use of its
40 property, or the appropriate use of its property in the



1 furtherance of its religious mission, if the application is
2 approved.

3 (d) Nothing in this subdivision shall be construed to
4 infringe on the authority of any legislative body to
5 enforce special conditions and regulations on any
6 property designated prior to January 1, 1994, or to
7 authorize any legislative body to override the
8 determination made pursuant to paragraph (2) of
9 subdivision (c). This subdivision shall apply to a charter
10 city.

11 SEC. 11. Section 56103 of the Government Code is
12 amended to read:

13 56103. (a) An action to determine the validity of any
14 change of organization or reorganization completed
15 pursuant to this division shall be brought pursuant to
16 Chapter 9 (commencing with Section 860) of Title 10 of
17 Part 2 of the Code of Civil Procedure.

18 (b) Except as provided in subdivision (a), no action to
19 attack, review, set aside, void, or annul any decision or
20 determination by a commission shall be maintained
21 unless the action is commenced and service is made on
22 the commission within 60 days of the commission's
23 decision or determination.

24 SEC. 12. Section 56332 of the Government Code is
25 amended to read:

26 56332. (a) The commission of any county shall be
27 enlarged by two members if, pursuant to Chapter 5
28 (commencing with Section 56450), the commission of any
29 county does both of the following:

30 (1) Orders representation of special districts upon the
31 commission.

32 (2) Adopts regulations affecting the functions and
33 services of special districts.

34 In addition to the commission members selected
35 pursuant to Sections 56325, 56329, and 56330, two
36 commission members shall be selected by an
37 independent special district selection committee to
38 represent special districts in the county.

39 (b) The independent special district selection
40 committee shall consist of the presiding officer of the



1 legislative body of each independent special district.
2 However, if the presiding officer of an independent
3 special district is unable to attend a meeting of the
4 independent special district selection committee, the
5 legislative body of the district may appoint one of its
6 members to attend the meeting of the selection
7 committee in the presiding officer's place. Those districts
8 shall include districts located wholly within the county
9 and those containing territory within the county
10 representing 50 percent or more of the assessed value of
11 taxable property of the district, as shown on the last
12 equalized county assessment roll. Each member of the
13 committee shall be entitled to one vote for each
14 independent special district of which he or she is the
15 presiding officer. Members representing a majority of the
16 eligible districts shall constitute a quorum.

17 (c) The executive officer shall call and give written
18 notice of all meetings of the members of the selection
19 committee. A meeting shall be called and held under
20 either of the following circumstances:

21 (1) Whenever a vacancy exists among the members or
22 alternate members representing independent special
23 districts upon the commission.

24 (2) Upon receipt of a written request by one or more
25 members of the selection committee representing
26 districts having 10 percent or more of the assessed value
27 of taxable property within the county, as shown on the last
28 equalized county assessment roll.

29 (d) (1) If the executive officer determines that a
30 meeting of the special district selection committee, for
31 the purpose of selecting the special district
32 representatives or for filling a vacancy, is not feasible, the
33 executive officer may conduct the business of the
34 committee in writing, as provided in this subdivision. The
35 executive officer may call for nominations to be
36 submitted in writing within 30 days. At the end of the
37 nominating period, the executive officer shall prepare
38 and deliver, or send by certified mail, to each
39 independent special district one ballot and voting
40 instructions.



1 (2) As an alternative to the delivery or certified mail,
2 the executive officer, with the prior concurrence of the
3 district, may transmit the ballot and voting instructions
4 by electronic mail, provided that the executive officer
5 shall retain written evidence of the receipt of that
6 material.

7 (3) The ballot shall include the names of all nominees
8 and the office for which each was nominated. The
9 districts shall return the ballots to the executive officer by
10 the date specified in the voting instructions, which date
11 shall be at least 30 days from the date on which the
12 executive officer mailed the ballots to the districts.

13 (4) If the executive officer has transmitted the ballot
14 and voting instructions by electronic mail, the districts
15 may return the ballots to the executive officer by
16 electronic mail, provided that the executive officer
17 retains written evidence of the receipt of the ballot.

18 (5) Any ballot received by the executive officer after
19 the specified date is invalid. The executive officer shall
20 announce the results of the election within seven days of
21 the specified date.

22 (e) The selection committee shall appoint two regular
23 members and one alternate member to the commission.
24 The members so appointed shall be elected or appointed
25 special district officers residing within the county but
26 shall not be members of the legislative body of a city or
27 county. If one of the regular district members is absent
28 from a commission meeting or disqualifies himself or
29 herself from participating in a meeting, the alternate
30 district member may serve and vote in place of the
31 regular district member for that meeting. The
32 representation by a regular district member who is a
33 special district officer shall not disqualify, or be cause for
34 disqualification of, the member from acting on a proposal
35 affecting the special district. The special district selection
36 committee may, at the time it appoints a member or
37 alternate, provide that the member or alternate is
38 disqualified from voting on proposals affecting the
39 district of which the member is a representative.



1 (f) If the office of a regular district member becomes
2 vacant, the alternate member may serve and vote in
3 place of the former regular district member until the
4 appointment and qualification of a regular district
5 member to fill the vacancy.

6 SEC. 13. Section 56853 of the Government Code is
7 amended to read:

8 56853. The executive officer shall mail a copy of the
9 resolution adopted by the commission making
10 determinations addressed to each of the following
11 persons or entities:

12 (a) The chief petitioners, if any, where the
13 proceedings for change of organization were initiated by
14 petition.

15 (b) Each affected local agency whose boundaries
16 would be changed by the proposal.

17 (c) The conducting authority, by certified mail, return
18 receipt requested. The copy of the resolution mailed to
19 the conducting authority shall be certified as a true and
20 correct copy by the executive officer. As an alternative to
21 mailing the resolution by certified mail, the executive
22 officer, with the prior concurrence of the conducting
23 authority, may transmit the resolution by electronic mail,
24 provided that the executive officer shall retain written
25 evidence of the receipt of that resolution.

26 SEC. 14. Section 56857 of the Government Code is
27 amended to read:

28 56857. (a) Any person or affected agency may file a
29 written request with the executive officer requesting
30 amendments to or reconsideration of any resolution
31 adopted by the commission making determinations. The
32 request shall state the specific modification to the
33 resolution being requested.

34 (b) Notwithstanding Section 56106, the deadlines set
35 by this section are mandatory. The person or agency shall
36 file the written request within 30 days of the adoption of
37 the initial or superseding resolution by the commission
38 making determinations or prior to the adoption of a
39 resolution by the conducting authority pursuant to
40 Chapter 4 (commencing with Section 57075), whichever



1 is earlier. If no person or agency files a timely request, the
2 commission shall not take any action pursuant to this
3 section.

4 (c) Upon receipt of a timely request, the executive
5 officer shall immediately notify the conducting authority
6 which shall not take any further action until the
7 commission acts on the request.

8 (d) Upon receipt of a timely request by the executive
9 officer, the time to file any action, including, but not
10 limited to, an action pursuant to Section 21167 of the
11 Public Resources Code and any provisions of Part 4
12 (commencing with Section 57000) governing the time
13 within which the conducting authority is to act shall be
14 tolled for the time that the commission takes to act on the
15 request.

16 (e) The executive officer shall place the request on the
17 agenda of the next meeting of the commission for which
18 notice can be given pursuant to this subdivision. The
19 executive officer shall give notice of the consideration of
20 the request by the commission in the same manner as for
21 the original proposal. The executive officer may give
22 notice in any other manner as he or she deems necessary
23 or desirable.

24 (f) At that meeting, the commission shall consider the
25 request and receive any oral or written testimony. The
26 consideration may be continued from time to time but
27 not to exceed 70 days from the date specified in the
28 notice. The person or agency which filed the request may
29 withdraw it at any time prior to the conclusion of the
30 consideration by the commission.

31 (g) At the conclusion of its consideration, the
32 commission may approve or disapprove with or without
33 amendment, wholly, partially, or conditionally, the
34 request. If the commission disapproves the request, it
35 shall not adopt a new resolution making determinations,
36 but shall direct the executive officer to notify the
37 conducting authority of its action. If the commission
38 approves the request, with or without amendment,
39 wholly, partially, or conditionally, the commission shall



1 adopt a resolution making determinations which shall
2 supersede the resolution previously issued.

3 (h) The determinations of the commission shall be
4 final and conclusive. No person or agency shall make any
5 further request for the same change or a substantially
6 similar change, as determined by the commission.

7 (i) Notwithstanding subdivision (h), clerical errors or
8 mistakes may be corrected pursuant to Section 56854.

9 SEC. 15. Section 61107 of the Government Code is
10 amended to read:

11 61107. Once the chief petitioners have filed a
12 sufficient petition or a legislative body has filed a
13 resolution of application, the local agency formation
14 commission shall proceed pursuant to Chapter 5
15 (commencing with Section 56825) of Part 3 of Division 3
16 of Title 5.

17 SEC. 16. Section 65307 of the Government Code is
18 amended to read:

19 65307. On or before October 1 of each year, the
20 planning agency of each city or county shall comply with
21 the provisions of Section 65400.

22 SEC. 17. Section 65850 of the Government Code is
23 amended to read:

24 65850. The legislative body of any county or city may,
25 pursuant to this chapter, adopt ordinances that do any of
26 the following:

27 (a) Regulate the use of buildings, structures, and land
28 as between industry, business, residences, open space,
29 including agriculture, recreation, enjoyment of scenic
30 beauty, use of natural resources, and other purposes.

31 (b) Regulate signs and billboards.

32 (c) Regulate all of the following:

33 (1) The location, height, bulk, number of stories, and
34 size of buildings and structures.

35 (2) The size and use of lots, yards, courts, and other
36 open spaces.

37 (3) The percentage of a lot which may be occupied by
38 a building or structure.

39 (4) The intensity of land use.



1 (d) Establish requirements for offstreet parking and
2 loading.

3 (e) Establish and maintain building setback lines.

4 (f) Create civic districts around civic centers, public
5 parks, public buildings, or public grounds, and establish
6 regulations for those civic districts.

7 SEC. 18. Section 65850.4 of the Government Code is
8 amended to read:

9 65850.4. (a) The legislative body of any county or city
10 may regulate, pursuant to a content neutral ordinance,
11 the time, place, and manner of operation of sexually
12 oriented businesses, when the ordinance is designed to
13 serve a substantial governmental interest, does not
14 unreasonably limit alternative avenues of
15 communication, and is based on narrow, objective, and
16 definite standards. The legislative body is entitled to rely
17 on the experiences of other counties and cities and on the
18 findings of court cases in establishing the reasonableness
19 of the ordinance and its relevance to the specific
20 problems it addresses, including the harmful secondary
21 effects that the business may have on the community and
22 its proximity to churches, schools, residences,
23 establishments dispensing alcohol, and other sexually
24 oriented businesses.

25 (b) For purposes of this section, a sexually oriented
26 business is one whose primary purpose is the sale or
27 display of matter that, because of its sexually explicit
28 nature, may, pursuant to state law or local regulatory
29 authority, be offered only to persons over the age of 18
30 years.

31 (c) This section shall not be construed to preempt the
32 legislative body of any city or county from regulating a
33 sexually oriented business or similar establishment in the
34 manner and to the extent permitted by the United States
35 Constitution and the California Constitution.

36 (d) It is the intent of the Legislature to authorize the
37 legislative body of any city or county to enter into a legally
38 sanctioned and appropriate cooperative agreement,
39 consortium, or joint powers authority with other adjacent
40 cities or counties regarding regulation of established



1 negative secondary effects of adult or sexually oriented
2 businesses if the actions taken by the legislative body are
3 consistent with this section.

4 (e) The Legislature finds and declares that in order to
5 encourage the legislative body of a city or county in
6 regulating adult or sexually oriented businesses or similar
7 businesses under this section, the legislative body may
8 consider any harmful secondary effects such a business
9 may have on adjacent cities and counties and its
10 proximity to churches, schools, residents, and other
11 businesses located in adjacent cities or counties.

12 SEC. 19. Section 65956 of the Government Code is
13 amended to read:

14 65956. (a) If any provision of law requires the lead
15 agency or responsible agency to provide public notice of
16 the development project or to hold a public hearing, or
17 both, on the development project and the agency has not
18 provided the public notice or held the hearing, or both,
19 at least 60 days prior to the expiration of the time limits
20 established by Sections 65950 and 65952, the applicant or
21 his or her representative may file an action pursuant to
22 Section 1085 of the Code of Civil Procedure to compel the
23 agency to provide the public notice or hold the hearing,
24 or both, and the court shall give the proceedings
25 preference over all other civil actions or proceedings,
26 except older matters of the same character.

27 (b) In the event that a lead agency or a responsible
28 agency fails to act to approve or to disapprove a
29 development project within the time limits required by
30 this article, the failure to act shall be deemed approval of
31 the permit application for the development project.
32 However, the permit shall be deemed approved only if
33 the public notice required by law has occurred. If the
34 applicant has provided seven days advance notice to the
35 permitting agency of the intent to provide public notice,
36 then no earlier than 60 days from the expiration of the
37 time limits established by Sections 65950 and 65952, an
38 applicant may provide the required public notice using
39 the distribution information provided pursuant to
40 Section 65941.5. If the applicant chooses to provide public



1 notice, that notice shall include a description of the
2 proposed development substantially similar to the
3 descriptions which are commonly used in public notices
4 by the permitting agency, the location of the proposed
5 development, the permit application number, the name
6 and address of the permitting agency, and a statement
7 that the project shall be deemed approved if the
8 permitting agency has not acted within 60 days. If the
9 applicant has provided the public notice required by this
10 section, the time limit for action by the permitting agency
11 shall be extended to 60 days after the public notice is
12 provided. If the applicant provides notice pursuant to this
13 section, the permitting agency shall refund to the
14 applicant any fees which were collected for providing
15 notice and which were not used for that purpose.

16 (c) Failure of an applicant to submit complete or
17 adequate information pursuant to Sections 65943 to 65944,
18 inclusive, may constitute grounds for disapproving a
19 development project.

20 (d) Nothing in this section shall diminish the
21 permitting agency's legal responsibility to provide,
22 where applicable, public notice and hearing before
23 acting on a permit application.

24 SEC. 20. Section 66451.2 of the Government Code is
25 amended to read:

26 66451.2. The local agency may establish reasonable
27 fees for the processing of tentative, final and parcel maps
28 and for other procedures required or authorized by this
29 division or local ordinance, but the fees shall not exceed
30 the amount reasonably required by such agency to
31 administer the provisions of this division. The fees shall be
32 imposed pursuant to the Mitigation Fee Act, consisting of
33 Chapter 5 (commencing with Section 66000), Chapter 6
34 (commencing with Section 66010), Chapter 7
35 (commencing with Section 66012), Chapter 8
36 (commencing with Section 66016), and Chapter 9
37 (commencing with Section 66020) of Division 1.

38 SEC. 21. Section 66458 of the Government Code is
39 amended to read:



1 66458. (a) The legislative body shall, at the meeting
2 at which it receives the map or, at its next regular meeting
3 after the meeting at which it receives the map, approve
4 the map if it conforms to all the requirements of this
5 chapter and any local subdivision ordinance applicable at
6 the time of approval or conditional approval of the
7 tentative map and any rulings made thereunder. If the
8 map does not conform, the legislative body shall
9 disapprove the map.

10 (b) If the legislative body does not approve or
11 disapprove the map within the prescribed time, or any
12 authorized extension thereof, and the map conforms to all
13 requirements and rulings, it shall be deemed approved,
14 and the clerk of the legislative body shall certify or state
15 its approval thereon.

16 (c) The meeting at which the legislative body receives
17 the map shall be the date on which the clerk of the
18 legislative body receives the map.

19 (d) The legislative body may provide, by ordinance,
20 for the approval or disapproval of final maps by the city
21 or county engineer, surveyor, or other designated official.
22 The legislative body may also provide, by ordinance, that
23 the official may accept, accept subject to improvement,
24 or reject dedications and offers of dedications that are
25 made by a statement on the map. Any ordinance adopted
26 pursuant to this subdivision shall provide that (1) the
27 designated official shall notify the legislative body at its
28 next regular meeting after the official receives the map
29 that the official is reviewing the map for final approval,
30 (2) the designated official shall approve or disapprove the
31 final map within 10 days following the meeting of the
32 legislative body that was preceded by the notice in (4)
33 below, (3) the designated official's action may be
34 appealed to the legislative body, (4) the clerk of the
35 legislative body shall provide notice of any pending
36 approval or disapproval by a designated official, which
37 notice shall be attached and posted with the legislative
38 body's regular agenda and shall be mailed to interested
39 parties who request notice, and (5) the legislative body
40 shall periodically review the delegation of authority to



1 the designated official. Except as specifically authorized
2 by this subdivision, the processing of final maps shall
3 conform to all procedural requirements of this division.

4 SEC. 22. Section 66498.1 of the Government Code is
5 amended to read:

6 66498.1. (a) Whenever a provision of this division
7 requires that a tentative map be filed, a vesting tentative
8 map may instead be filed.

9 (b) When a local agency approves or conditionally
10 approves a vesting tentative map, that approval shall
11 confer a vested right to proceed with development in
12 substantial compliance with the ordinances, policies, and
13 standards described in Section 66474.2. However, if
14 Section 66474.2 is repealed, that approval shall confer a
15 vested right to proceed with development in substantial
16 compliance with the ordinances, policies, and standards
17 in effect at the time the vesting tentative map is approved
18 or conditionally approved.

19 (c) Notwithstanding subdivision (b), the local agency
20 may condition or deny a permit, approval, extension, or
21 entitlement if it determines any of the following:

22 (1) A failure to do so would place the residents of the
23 subdivision or the immediate community, or both, in a
24 condition dangerous to their health or safety, or both.

25 (2) The condition or denial is required in order to
26 comply with state or federal law.

27 (d) The rights conferred by this section shall expire if
28 a final map is not approved prior to the expiration of the
29 vesting tentative map. If the final map is approved, the
30 rights conferred by this section shall be subject to the
31 periods of time set forth in subdivisions (b), (c), and (d)
32 of Section 66498.5.

33 (e) Consistent with subdivision (b), an approved or
34 conditionally approved vesting tentative map shall not
35 limit a local agency from imposing reasonable conditions
36 on subsequent required approvals or permits necessary
37 for the development and authorized by the ordinances,
38 policies, and standards described in subdivision (b).

39 SEC. 23. Section 66498.2 of the Government Code is
40 amended to read:



1 66498.2. If the ordinances, policies, or standards
2 described in subdivision (b) of Section 66498.1 are
3 changed subsequent to the approval or conditional
4 approval of a vesting tentative map, the subdivider, or his
5 or her assignee, at any time prior to the expiration of the
6 vesting tentative map pursuant to subdivisions (b), (c),
7 and (d) of Section 66498.5, may apply for an amendment
8 to the vesting tentative map to secure a vested right to
9 proceed with the changed ordinances, policies, or
10 standards. An application shall clearly specify the
11 changed ordinances, policies, or standards for which the
12 amendment is sought.

13 SEC. 24. Section 66498.3 of the Government Code is
14 amended to read:

15 66498.3. (a) Whenever a subdivider files a vesting
16 tentative map for a subdivision whose intended
17 development is inconsistent with the zoning ordinance in
18 existence at that time, that inconsistency shall be noted
19 on the map. The local agency may deny a vesting
20 tentative map or approve it conditioned on the
21 subdivider, or his or her designee, obtaining the necessary
22 change in the zoning ordinance to eliminate the
23 inconsistency. If the change in the zoning ordinance is
24 obtained, the approved or conditionally approved vesting
25 tentative map shall, notwithstanding subdivision (b) of
26 Section 66498.1, confer the vested right to proceed with
27 the development in substantial compliance with the
28 change in the zoning ordinance and the map, as
29 approved.

30 (b) The rights conferred by this section shall be for the
31 time periods set forth in subdivisions (b), (c), and (d) of
32 Section 66498.5.

33 SEC. 25. Section 77202.5 of the Government Code is
34 repealed.

35 SEC. 26. Section 4730.6 of the Health and Safety Code
36 is amended to read:

37 4730.6. (a) Notwithstanding Sections 4730, 4730.1,
38 and 4730.2 or any other provision of law, the governing
39 board of the Ventura Regional Sanitation District shall be
40 a board of directors appointed in accordance with this



1 section. Unless the context otherwise indicates, as used in
2 this section, “district” means the Ventura Regional
3 Sanitation District.

4 (b) The legislative body of each city located wholly or
5 partially within the district’s boundaries shall designate
6 one of its members to be a member of the district’s board
7 of directors. Each legislative body may designate one of
8 its members as an alternate to act in the place of its
9 regular member in the case of the absence or
10 disqualification of the regular member. An alternate
11 member shall have the full voting rights of the regular
12 member.

13 (c) The special district committee, which shall consist
14 of the presiding officers of all special districts that have a
15 governing board separately elected, in whole or in part,
16 from any board of supervisors or city council, and would
17 be entitled to representation on the Ventura Regional
18 Sanitation District Board of Directors under Section
19 4730.1, if that section were applicable to the Ventura
20 Regional Sanitation District, shall designate one
21 separately elected member of a board of directors of a
22 special district represented on the committee to be a
23 member of the district’s board of directors. The special
24 district committee may designate one separately elected
25 member as an alternate to act in the place of the regular
26 member in the case of the absence or disqualification of
27 the regular member. An alternate member shall have the
28 full voting rights of the regular member.

29 (d) Each member of the district’s board of directors
30 shall have one vote.

31 (e) No action shall be taken at any meeting of the
32 district’s board of directors unless a majority of all
33 authorized members of the board of directors is in
34 attendance.

35 (f) A majority of the members of the board of directors
36 present shall be required to approve or otherwise act on
37 any matter except as otherwise required by law.

38 SEC. 27. Section 13890 of the Health and Safety Code
39 is amended to read:



1 13890. On or before June 30 of each year, a district
2 board shall adopt a preliminary budget which shall
3 conform to the accounting and budgeting procedures for
4 special districts contained in Subchapter 3 (commencing
5 with Section 1031.1) of, and Article 1 (commencing with
6 Section 1121) of Subchapter 4 of, Chapter 2 of Division 2
7 of Title 2 of the California Code of Regulations.

8 SEC. 28. Section 98.02 of the Revenue and Taxation
9 Code is amended to read:

10 98.02. (a) In the County of Ventura, the
11 computations made pursuant to Section 96.1 or its
12 predecessor section, for the 1989–90 fiscal year and each
13 year thereafter, shall be modified as follows:

14 With respect to tax rate areas, except excluded tax rate
15 areas, within the boundaries of a qualifying city, there
16 shall be excluded from the aggregate amount of
17 “property tax revenue allocated pursuant to this chapter
18 to local agencies, other than for a qualifying city, in the
19 prior fiscal year,” an amount equal to the sum of the
20 amounts calculated pursuant to the TEA formula.

21 (b) (1) Each qualifying city shall, for the 1989–90
22 fiscal year and each fiscal year thereafter, be allocated by
23 the auditor an amount determined pursuant to the TEA
24 formula.

25 (2) For each qualifying city, the auditor shall, for the
26 1989–90 fiscal year and each year thereafter, distribute
27 the amount determined pursuant to the TEA formula to
28 all tax rate areas, except excluded tax rate areas, within
29 that city in proportion to each tax rate area’s share of the
30 total assessed value in the city for the applicable fiscal
31 year, and the amount so determined shall be subtracted
32 from the county’s proportionate share of the property tax
33 revenue for that fiscal year within those tax rate areas.

34 (3) After making the allocations pursuant to
35 paragraphs (1) and (2), but before making the
36 calculations pursuant to Section 96.5 or its predecessor
37 section, the auditor shall, for all tax rate areas, except
38 excluded tax rate areas, in the qualifying city, calculate
39 the proportionate share of property tax revenue allocated
40 pursuant to this section and Section 96.1, or their



1 predecessor sections, in the 1989–90 fiscal year and each
2 fiscal year thereafter to each jurisdiction in the tax rate
3 area.

4 (4) In lieu of making the allocations of annual tax
5 increment pursuant to subdivision (e) of Section 96.5 or
6 its predecessor section, the auditor shall for the 1989–90
7 fiscal year and each fiscal year thereafter, allocate the
8 amount of property tax revenue determined pursuant to
9 subdivision (d) of Section 98 to jurisdictions in the tax rate
10 area, except an excluded tax rate area, using the
11 proportionate shares derived pursuant to paragraph (3).

12 (5) For purposes of the calculations made pursuant to
13 Section 96.1 or its predecessor section, in the 1990–91
14 fiscal year and each fiscal year thereafter, the amounts
15 that would have been allocated to all tax rate areas, except
16 excluded tax rate areas, of qualifying cities pursuant to
17 this subdivision shall be deemed to be the “amount of
18 property tax revenue allocated to those tax rate areas in
19 the prior fiscal year.”

20 (c) “TEA formula” means the Tax Equity Allocation
21 formula, and shall be calculated by the auditor for each
22 qualifying city as follows:

23 (1) For the 1988–89 fiscal year and each fiscal year
24 thereafter, the auditor shall determine the total amount
25 of property tax revenue to be allocated to all jurisdictions
26 in all tax rate areas, except excluded tax rate areas, within
27 the qualifying city, before the allocation and payment of
28 funds in that fiscal year to a community redevelopment
29 agency within the qualifying city, as provided in
30 subdivision (b) of Section 33670 of the Health and Safety
31 Code.

32 (2) The auditor shall determine the amount of funds
33 allocated in each fiscal year to those tax rate areas, except
34 excluded tax rate areas, within a community
35 redevelopment agency in accordance with subdivision
36 (b) of Section 33670 of the Health and Safety Code.

37 (3) (A) The auditor shall determine the total amount
38 of funds paid in each fiscal year by a community
39 redevelopment agency within the city to jurisdictions
40 other than the city pursuant to subdivision (b) of Section



1 33401 and Section 33676 of the Health and Safety Code,
2 and the cost to the redevelopment agency of any land or
3 facilities transferred and any amounts paid to
4 jurisdictions other than the city to assist in the
5 construction or reconstruction of facilities pursuant to an
6 agreement entered into under Section 33401 or 33445.5 of
7 the Health and Safety Code.

8 (B) Of the total amount determined in subparagraph
9 (A), the auditor shall compute a proportionate amount to
10 be attributed to all tax rate areas, except excluded tax rate
11 areas, within the community redevelopment agency.
12 That proportionate amount shall be equal to that
13 proportion which the amount determined in paragraph
14 (2) in each fiscal year bears to the total amount of funds
15 allocated in each fiscal year to a community
16 redevelopment agency in accordance with subdivision
17 (b) of Section 33670 of the Health and Safety Code.

18 (4) The auditor shall subtract the amount determined
19 in subparagraph (B) of paragraph (3) from the amount
20 determined in paragraph (2).

21 (5) The auditor shall subtract the amount determined
22 in paragraph (4) from the amount determined in
23 paragraph (1).

24 (6) The amount computed in paragraph (5) shall be
25 multiplied by the following percentages in order to
26 determine the TEA formula amount to be distributed to
27 the qualifying city in each fiscal year:

28 (A) For the first fiscal year in which the qualifying city
29 receives a distribution pursuant to this section, 1 percent
30 of the amount determined in paragraph (5).

31 (B) For the second fiscal year in which the qualifying
32 city receives a distribution pursuant to this section, 2
33 percent of the amount determined in paragraph (5).

34 (C) For the third fiscal year in which the qualifying
35 city receives a distribution pursuant to this section, 3
36 percent of the amount determined in paragraph (5).

37 (D) For the fourth fiscal year and each fiscal year
38 thereafter in which the qualifying city receives a
39 distribution pursuant to this section, 4 percent of the
40 amount determined in paragraph (5).



1 (d) For purposes of this section, “excluded tax rate
2 area” means either of the following:

3 (1) Any tax rate area included in territory annexed by
4 the qualifying city and allocated a prescribed percentage
5 of property tax revenue pursuant to an existing
6 agreement between the qualifying city and the county.

7 (2) Any tax rate area described in paragraph (1) that
8 was detached from the county library district and that is
9 also allocated an additional prescribed percentage of
10 property tax revenue pursuant to an existing agreement
11 between the qualifying city and the county.

12 (e) (1) All existing agreements between the
13 qualifying city and the county covering the allocation of
14 property tax revenues to tax rate areas described in
15 subdivision (d) shall remain in force.

16 (2) All existing agreements between the qualifying
17 city and the county covering the allocation of property
18 tax revenues to tax rate areas that were detached from
19 the county library district but are not included in
20 territory that was annexed by the qualifying city shall
21 remain in force.

22 (3) All allocations to those tax rate areas described in
23 subdivision (d), including allocations of annual tax
24 increments, made pursuant to the existing agreements
25 between the qualifying city and the county shall be
26 governed by subdivision (a) of Section 96.1 and Section
27 96.5.

28 (4) All allocations to those tax rate areas described in
29 paragraph (2), including allocations of annual tax
30 increments, made pursuant to the existing agreements
31 between the qualifying city and the county shall be
32 governed by subdivision (a) of Section 96.1 and Section
33 96.5. However, the tax rate areas referred to in this
34 paragraph shall also be distributed an amount of property
35 tax revenue determined pursuant to the TEA formula
36 that is over and above the amount allocated as provided
37 in the preceding sentence.

38 (f) “Qualifying city” means any city that incorporated
39 prior to June 5, 1987, and had an amount of property tax
40 revenue allocated to it pursuant to subdivision (a) of



1 Section 96.1 or its predecessor section in the 1988–89 fiscal
2 year that is less than 4 percent of the amount of property
3 tax revenue computed as follows:

4 (1) The auditor shall determine the total amount of
5 property tax revenue allocated to all tax rate areas, except
6 excluded tax rate areas, in the city in the 1988–89 fiscal
7 year.

8 (2) The auditor shall subtract the amount in the
9 1988–89 fiscal year determined in paragraph (3) of
10 subdivision (c) from the amount determined in
11 paragraph (2) of subdivision (c).

12 (3) The auditor shall subtract the amount determined
13 in paragraph (2) from the amount of property tax
14 revenue in paragraph (1) of subdivision (c).

15 (4) The auditor shall divide the amount of property tax
16 revenue determined in paragraph (1) of this subdivision
17 by the amount of property tax revenue determined in
18 paragraph (3) of this subdivision.

19 (5) If the quotient determined in paragraph (4) of this
20 subdivision is less than 0.04, the city is a qualifying city. If
21 the quotient determined in that paragraph is equal to or
22 greater than 0.04, the city is not a qualifying city.

23 (g) The auditor may assess each qualifying city its
24 proportional share of the actual costs of making the
25 calculations required by this section, and may deduct that
26 assessment from the amount allocated pursuant to
27 subdivision (b). For purposes of this subdivision, a
28 qualifying city's proportional share of the auditor's actual
29 costs shall not exceed the proportion it receives of the
30 total amounts excluded in the county pursuant to
31 subdivision (a).

32 (h) (1) Notwithstanding subdivision (b), except as
33 otherwise provided in paragraph (2), in any fiscal year in
34 which a qualifying city receives a distribution pursuant to
35 this section, the auditor shall reduce the actual amount
36 distributed to the qualifying city by the amount of
37 revenue not collected by the qualifying city in the first
38 fiscal year following the city's reduction after January 1,
39 1988, of the tax rate or tax base of any locally imposed
40 general or special tax. The amount so computed by the



1 auditor shall constitute a reduction in the amount of
2 property tax revenue distributed to the qualifying city
3 pursuant to this section in each succeeding fiscal year.
4 That amount shall be aggregated with any additional
5 amount computed pursuant to this paragraph as the
6 result of the city's reduction in any subsequent year of the
7 tax rate or tax base of the same or any other locally
8 imposed general or special tax.

9 (2) No reduction shall be made pursuant to paragraph
10 (1) in the case in which a local tax is reduced or
11 eliminated as a result of either a court decision or the
12 approval or rejection of a ballot measure by the voters.

13 (i) If the auditor determines that the amount to be
14 distributed to a qualifying city pursuant to subdivision
15 (b), as modified by subdivisions (g) and (h), would result
16 in a qualifying city having proceeds of taxes in excess of
17 its appropriation limit, the auditor shall reduce the
18 amount, on a dollar-for-dollar basis, by the amount that
19 exceeds the city's appropriations limit.

20 (j) Commencing with the 1999-2000 fiscal year and
21 each fiscal year thereafter, the auditor shall compute an
22 amount that is equal to 60 percent of the total amount
23 transferred to all qualifying cities pursuant to this section.
24 The auditor shall certify that amount to the Controller for
25 allocation of funds to the county pursuant to subdivision
26 (a) of Section 11005.

27 (k) Notwithstanding any other provision of this
28 section, no qualifying city shall be distributed an amount
29 pursuant to this section that is less than the amount the
30 city would have been allocated without the application of
31 the TEA formula.

32 (l) Notwithstanding any other provision of this
33 section, commencing with the 1994-95 fiscal year, the
34 auditor shall not reduce the amount distributed to a
35 qualifying city under this section by reason of that city
36 becoming the successor agency to a special district that is
37 dissolved, merged with that city, or becomes a subsidiary
38 district of that city, on or after July 1, 1994.

39 (m) The amount not distributed as a result of this
40 section to the tax rate areas, except excluded tax rate



1 areas, in each qualifying city shall be allocated by the
2 auditor to the county.

3 SEC. 29. Section 99 of the Revenue and Taxation
4 Code is amended to read:

5 99. (a) For the purposes of the computations
6 required by this chapter:

7 (1) In the case of a jurisdictional change, other than a
8 city incorporation or a formation of a district as defined
9 in Section 2215, the auditor shall adjust the allocation of
10 property tax revenue determined pursuant to Section 96
11 or 96.1, or the annual tax increment determined pursuant
12 to Section 96.5, for local agencies whose service area or
13 service responsibility would be altered by the
14 jurisdictional change, as determined pursuant to
15 subdivision (b) or (c).

16 (2) In the case of a city incorporation, the auditor shall
17 assign the allocation of property tax revenues determined
18 pursuant to Section 56842 of the Government Code and
19 the adjustments in tax revenues that may occur pursuant
20 to Section 56845 of the Government Code to the newly
21 formed city or district and shall make the adjustment as
22 determined by Section 56842 in the allocation of property
23 tax revenue determined pursuant to Section 96 or 96.1 for
24 each local agency whose service area or service
25 responsibilities would be altered by the incorporation.

26 (3) In the case of a formation of a district as defined in
27 Section 2215, the auditor shall assign the allocation of
28 property tax revenues determined pursuant to Section
29 56842 of the Government Code to the district and shall
30 make the adjustment as determined by Section 56842 in
31 the allocation of property tax revenue determined
32 pursuant to Section 96 or 96.1 for each local agency whose
33 service area or service responsibilities would be altered
34 by the formation.

35 (b) Upon the filing of an application or a resolution
36 pursuant to the Cortese-Knox Local Government
37 Reorganization Act of 1985 (Division 3 (commencing
38 with Section 56000) of Title 5 of the Government Code),
39 but prior to the issuance of a certificate of filing, the
40 executive officer shall give notice of the filing to the



1 assessor and auditor of each county within which the
2 territory subject to the jurisdictional change is located.
3 This notice shall specify each local agency whose service
4 area or responsibility will be altered by the jurisdictional
5 change.

6 (1) (A) The county assessor shall provide to the
7 county auditor, within 30 days of the notice of filing, a
8 report which identifies the assessed valuations for the
9 territory subject to the jurisdictional change and the tax
10 rate area or areas in which the territory exists.

11 (B) The auditor shall estimate the amount of property
12 tax revenue generated within the territory that is the
13 subject of the jurisdictional change during the current
14 fiscal year.

15 (2) The auditor shall estimate what proportion of the
16 property tax revenue determined pursuant to paragraph
17 (1) is attributable to each local agency pursuant to
18 Section 96.1 and Section 96.5.

19 (3) Within 45 days of notice of the filing of an
20 application or resolution, the auditor shall notify the
21 governing body of each local agency whose service area
22 or service responsibility will be altered by the amount of,
23 and allocation factors with respect to, property tax
24 revenue estimated pursuant to paragraph (2) that is
25 subject to a negotiated exchange.

26 (4) Upon receipt of the estimates pursuant to
27 paragraph (3) the local agencies shall commence
28 negotiations to determine the amount of property tax
29 revenues to be exchanged between and among the local
30 agencies. This negotiation period shall not exceed 60 days.

31 The exchange may be limited to an exchange of
32 property tax revenues from the annual tax increment
33 generated in the area subject to the jurisdictional change
34 and attributable to the local agencies whose service area
35 or service responsibilities will be altered by the proposed
36 jurisdictional change. The final exchange resolution shall
37 specify how the annual tax increment shall be allocated
38 in future years.

39 (5) In the event that a jurisdictional change would
40 affect the service area or service responsibility of one or



1 more special districts, the board of supervisors of the
2 county or counties in which the districts are located shall,
3 on behalf of the district or districts, negotiate any
4 exchange of property tax revenues.

5 (6) Notwithstanding any other provision of law, the
6 executive officer shall not issue a certificate of filing
7 pursuant to Section 56828 of the Government Code until
8 the local agencies included in the property tax revenue
9 exchange negotiation, within the 60-day negotiation
10 period, present resolutions adopted by each such county
11 and city whereby each county and city agrees to accept
12 the exchange of property tax revenues.

13 (7) In the event that the commission modifies the
14 proposal or its resolution of determination, any local
15 agency whose service area or service responsibility would
16 be altered by the proposed jurisdictional change may
17 request, and the executive officer shall grant, 15 days for
18 the affected agencies, pursuant to paragraph (4) to
19 renegotiate an exchange of property tax revenues.
20 Notwithstanding the time period specified in paragraph
21 (4), if the resolutions required pursuant to paragraph (6)
22 are not presented to the executive officer within the
23 15-day period, all proceedings of the jurisdictional change
24 shall automatically be terminated.

25 (8) In the case of a jurisdictional change that consists
26 of a city's qualified annexation of unincorporated
27 territory, an exchange of property tax revenues between
28 the city and the county shall be determined in
29 accordance with subdivision (e) if that exchange of
30 revenues is not otherwise determined pursuant to either
31 of the following:

32 (A) Negotiations completed within the applicable
33 period or periods as prescribed by this subdivision.

34 (B) A master property tax exchange agreement
35 among those local agencies, as described in subdivision
36 (d).

37 For purposes of this paragraph, a qualified annexation
38 of unincorporated territory means an annexation, as so
39 described, for which proceedings before the relevant
40 local agency formation commission are initiated, as



1 provided in Section 56651 of the Government Code, on or
2 after January 1, 1998, and on or before January 1, 2005.

3 (9) No later than the date on which the certificate of
4 completion of the jurisdictional change is recorded with
5 the county recorder, the executive officer shall notify the
6 auditor or auditors of the exchange of property tax
7 revenues and the auditor or auditors shall make the
8 appropriate adjustments as provided in subdivision (a).

9 (c) Whenever a jurisdictional change is not required
10 to be reviewed and approved by a local agency formation
11 commission, the local agencies whose service area or
12 service responsibilities would be altered by the proposed
13 change, shall give notice to the State Board of
14 Equalization and the assessor and auditor of each county
15 within which the territory subject to the jurisdictional
16 change is located. This notice shall specify each local
17 agency whose service area or responsibility will be
18 altered by the jurisdictional change and request the
19 auditor and assessor to make the determinations required
20 pursuant to paragraphs (1) and (2) of subdivision (b).
21 Upon notification by the auditor of the amount of, and
22 allocation factors with respect to, property tax subject to
23 exchange, the local agencies, pursuant to the provisions
24 of paragraphs (4), (5), and (6) of subdivision (b), shall
25 determine the amount of property tax revenues to be
26 exchanged between and among the local agencies.
27 Notwithstanding any other provision of law, no such
28 jurisdictional change shall become effective until each
29 county and city included in these negotiations agrees, by
30 resolution, to accept the negotiated exchange of property
31 tax revenues. The exchange may be limited to an
32 exchange of property tax revenue from the annual tax
33 increment generated in the area subject to the
34 jurisdictional change and attributable to the local
35 agencies whose service area or service responsibilities
36 will be altered by the proposed jurisdictional change. The
37 final exchange resolution shall specify how the annual tax
38 increment shall be allocated in future years. Upon the
39 adoption of the resolutions required pursuant to this
40 section, the adopting agencies shall notify the auditor



1 who shall make the appropriate adjustments as provided
2 in subdivision (a). Adjustments in property tax
3 allocations made as the result of a city or library district
4 withdrawing from a county free library system pursuant
5 to Section 19116 of the Education Code shall be made
6 pursuant to Section 19116 of the Education Code, and this
7 subdivision shall not apply.

8 (d) With respect to adjustments in the allocation of
9 property taxes pursuant to this section, a county and any
10 local agency or agencies within the county may develop
11 and adopt a master property tax transfer agreement. The
12 agreement may be revised from time to time by the
13 parties subject to the agreement.

14 (e) (1) An exchange of property tax revenues that is
15 required by paragraph (8) of subdivision (b) to be
16 determined pursuant to this subdivision shall be
17 determined in accordance with all of the following:

18 (A) The city and the county shall mutually select a
19 third-party consultant to perform a comprehensive,
20 independent fiscal analysis, funded in equal portions by
21 the city and the county, that specifies estimates of all tax
22 revenues that will be derived from the annexed territory
23 and the costs of city and county services with respect to
24 the annexed territory. The analysis shall be completed
25 within a period not to exceed 30 days, and shall be based
26 upon the general plan or adopted plans and policies of the
27 annexing city and the intended uses for the annexed
28 territory. If, upon the completion of the analysis period,
29 no exchange of property tax revenues is agreed upon by
30 the city and the county, subparagraph (B) shall apply.

31 (B) The city and the county shall mutually select a
32 mediator, funded in equal portions by those agencies, to
33 perform mediation for a period of not to exceed 30 days.
34 If, upon the completion of the mediation period, no
35 exchange of property tax revenues is agreed upon by the
36 city and the county, subparagraph (C) shall apply.

37 (C) The city and the county shall mutually select an
38 arbitrator, funded in equal portions by those agencies, to
39 conduct an advisory arbitration with the city and the
40 county for a period of not to exceed 30 days. At the



1 conclusion of this arbitration period, the city and the
2 county shall each present to the arbitrator its last and best
3 offer with respect to the exchange of property tax
4 revenues. The arbitrator shall select one of the offers and
5 recommend that offer to the governing bodies of the city
6 and the county. If the governing body of the city or the
7 county rejects the recommended offer, it shall do so
8 during a public hearing, and shall, at the conclusion of
9 that hearing, make written findings of fact as to why the
10 recommended offer was not accepted.

11 (2) Proceedings under this subdivision shall be
12 concluded no more than 150 days after the auditor
13 provides the notification pursuant to paragraph (3) of
14 subdivision (b), unless one of the periods specified in this
15 subdivision is extended by the mutual agreement of the
16 city and the county. Notwithstanding any other provision
17 of law, except for those conditions that are necessary to
18 implement an exchange of property tax revenues
19 determined pursuant to this subdivision, the local agency
20 formation commission shall not impose any fiscal
21 conditions upon a city's qualified annexation of
22 unincorporated territory that is subject to this
23 subdivision.

24 (f) Except as otherwise provided in subdivision (g),
25 for the purpose of determining the amount of property
26 tax to be allocated in the 1979–80 fiscal year and each fiscal
27 year thereafter for those local agencies that were affected
28 by a jurisdictional change which was filed with the State
29 Board of Equalization after January 1, 1978, but on or
30 before January 1, 1979. The local agencies shall determine
31 by resolution the amount of property tax revenues to be
32 exchanged between and among the affected agencies
33 and notify the auditor of the determination.

34 (g) For the purpose of determining the amount of
35 property tax to be allocated in the 1979–80 fiscal year and
36 each fiscal year thereafter, for a city incorporation that
37 was filed pursuant to Sections 54900 to 54904 after January
38 1, 1978, but on or before January 1, 1979, the amount of
39 property tax revenue considered to have been received
40 by the jurisdiction for the 1978–79 fiscal year shall be



1 equal to two-thirds of the amount of property tax revenue
2 projected in the final local agency formation commission
3 staff report pertaining to the incorporation multiplied by
4 the proportion that the total amount of property tax
5 revenue received by all jurisdictions within the county
6 for the 1978–79 fiscal year bears to the total amount of
7 property tax revenue received by all jurisdictions within
8 the county for the 1977–78 fiscal year. Except, however,
9 in the event that the final commission report did not
10 specify the amount of property tax revenue projected for
11 that incorporation, the commission shall by October 10,
12 determine pursuant to Section 54790.3 of the
13 Government Code the amount of property tax to be
14 transferred to the city.

15 The provisions of this subdivision shall also apply to the
16 allocation of property taxes for the 1980–81 fiscal year and
17 each fiscal year thereafter for incorporations approved by
18 the voters in June 1979.

19 (h) For the purpose of the computations made
20 pursuant to this section, in the case of a district formation
21 that was filed pursuant to Sections 54900 to 54904,
22 inclusive, of the Government Code after January 1, 1978,
23 but before January 1, 1979, the amount of property tax to
24 be allocated to the district for the 1979–80 fiscal year and
25 each fiscal year thereafter shall be determined pursuant
26 to Section 54790.3 of the Government Code.

27 (i) For the purposes of the computations required by
28 this chapter, in the case of a jurisdictional change, other
29 than a change requiring an adjustment by the auditor
30 pursuant to subdivision (a), the auditor shall adjust the
31 allocation of property tax revenue determined pursuant
32 to Section 96 or 96.1 or its predecessor section, or the
33 annual tax increment determined pursuant to Section
34 96.5 or its predecessor section, for each local school
35 district, community college district, or county
36 superintendent of schools whose service area or service
37 responsibility would be altered by the jurisdictional
38 change, as determined as follows:

39 (1) The governing body of each district, county
40 superintendent of schools, or county whose service areas



1 or service responsibilities would be altered by the change
2 shall determine the amount of property tax revenues to
3 be exchanged between and among the affected
4 jurisdictions. This determination shall be adopted by each
5 affected jurisdiction by resolution. For the purpose of
6 negotiation, the county auditor shall furnish the parties
7 and the county board of education with an estimate of the
8 property tax revenue subject to negotiation.

9 (2) In the event that the affected jurisdictions are
10 unable to agree, within 60 days after the effective date of
11 the jurisdictional change, and if all the jurisdictions are
12 wholly within one county, the county board of education
13 shall, by resolution, determine the amount of property tax
14 revenue to be exchanged. If the jurisdictions are in more
15 than one county, the State Board of Education shall, by
16 resolution, within 60 days after the effective date of the
17 jurisdictional change, determine the amount of property
18 tax to be exchanged.

19 (3) Upon adoption of any resolution pursuant to this
20 subdivision, the adopting jurisdictions or State Board of
21 Education shall notify the county auditor who shall make
22 the appropriate adjustments as provided in subdivision
23 (a).

24 (j) For purposes of subdivision (i), the annexation by
25 a community college district of territory within a county
26 not previously served by a community college district is
27 an alteration of service area. The community college
28 district and the county shall negotiate the amount, if any,
29 of property tax revenues to be exchanged. In these
30 negotiations, there shall be taken into consideration the
31 amount of revenue received from the timber yield tax
32 and forest reserve receipts by the community college
33 district in the area not previously served. In no event shall
34 the property tax revenue to be exchanged exceed the
35 amount of property tax revenue collected prior to the
36 annexation for the purposes of paying tuition expenses of
37 residents enrolled in the community college district,
38 adjusted each year by the percentage change in
39 population and the percentage change in the cost of
40 living, or per capita personal income, whichever is lower,



1 less the amount of revenue received by the community
2 college district in the annexed area from the timber yield
3 tax and forest reserve receipts.

4 (k) At any time after a jurisdictional change is
5 effective, any of the local agencies party to the agreement
6 to exchange property tax revenue may renegotiate the
7 agreement with respect to the current fiscal year or
8 subsequent fiscal years, subject to approval by all local
9 agencies affected by the renegotiation.

10 SEC. 30. Section 4986.3 of the Revenue and Taxation
11 Code is amended to read:

12 4986.3. All or any portion of any uncollected tax,
13 penalty, or costs, heretofore or hereafter levied, and not
14 heretofore validly canceled, may, on satisfactory proof, be
15 canceled by the auditor on order of the board of
16 supervisors with the written consent of the district
17 attorney if it was levied or charged on property subject
18 to assessment or special taxes for the payment of bonds
19 issued under the Improvement Bond Act of 1915
20 (Division 10 (commencing with Section 8500) of the
21 Streets and Highways Code) or the Mello-Roos
22 Community Facilities Act of 1982 (Chapter 2.5
23 (commencing with Section 53311) of Division 2 of Part 1
24 of Title 5 of the Government Code) where that property
25 was acquired after the lien date by a city on foreclosure
26 proceedings under the Improvement Bond Act of 1915 or
27 the Mello-Roos Community Facilities Act of 1982. If a city
28 is entitled to bring foreclosure proceedings under the
29 Improvement Bond Act of 1915 or the Mello-Roos
30 Community Facilities Act of 1982 against any property
31 and the city acquires the property in any other manner
32 than by foreclosure and the governing body of the city by
33 resolution, covering any number of parcels acquired,
34 declares that the acquisition was in lieu of acquisition
35 under foreclosure proceedings, that acquisition is, for the
36 purposes of this section, an acquisition by foreclosure
37 proceedings under the Improvement Bond Act of 1915 or
38 the Mello-Roos Community Facilities Act of 1982. This
39 section applies regardless of whether the property
40 acquired by the city is impressed with a public trust or is



1 acquired for the purpose of resale. As used in this section,
2 “city” means any city, county, city and county, special
3 district, school district, joint powers authority, or any
4 other municipal corporation, district, or political
5 subdivision of the state.

6 SEC. 31. Section 11005 of the Revenue and Taxation
7 Code is amended to read:

8 11005. (a) After payment of refunds therefrom and
9 after making the deductions authorized by Section 11003
10 and reserving the amount determined necessary by the
11 Pooled Money Investment Board to meet the transfers
12 ordered or proposed to be ordered pursuant to Section
13 16310 of the Government Code, commencing with the
14 1989–90 fiscal year, the Controller shall deduct that
15 amount which is necessary to make the allocation
16 provided for in subdivision (j) of Section 98.02.
17 Eighty-one and one-quarter percent of the balance of all
18 motor vehicle license fees and any other money
19 appropriated by law for expenditure pursuant to this
20 section and deposited to the credit of the Motor Vehicle
21 License Fee Account in the Transportation Tax Fund and
22 remaining unexpended therein at the close of business on
23 the last day of the calendar month shall be allocated by
24 the Controller by the 10th day of the following month in
25 the manner provided by subdivisions (c) and (d).

26 (b) Eighteen and three-quarters percent of the
27 balance shall be allocated, as follows:

28 (1) (A) Commencing with the 1988–89 fiscal year, the
29 Controller shall allocate to each city that existed but did
30 not levy a property tax in the 1977–78 fiscal year, other
31 than for voter-approved indebtedness, an amount equal
32 to the total amount which each of those cities would have
33 received in that fiscal year pursuant to Section 25761 of
34 the Business and Professions Code, Section 4306 of the
35 Public Utilities Code, and Section 26483 of this code, as if
36 those sections were operative in that fiscal year in the
37 form in which they existed on June 1, 1981. For each fiscal
38 year thereafter, the Controller shall increase the amount
39 for each city computed pursuant to this paragraph by the
40 percent by which the revenue to the Motor Vehicle



1 License Fee Account increased over the revenue for the
2 previous fiscal year.

3 (B) (i) For each fiscal year following the 1988–89
4 fiscal year in which a city subject to subparagraph (A)
5 receives a distribution of property tax revenue pursuant
6 to Section 97.35, 97.37, or 97.38, the amount to be allocated
7 to the city pursuant to subparagraph (A) shall be reduced
8 by the amount of the distribution made pursuant to those
9 sections.

10 (ii) No allocation shall be made to a city pursuant to
11 subparagraph (A) in the first fiscal year in which the
12 amount distributed to a city pursuant to Section 97.35,
13 97.37, or 97.38 equals or exceeds the amount that would
14 have been allocated to that city pursuant to subparagraph
15 (A) or in any fiscal year thereafter.

16 (iii) Any amount not allocated to a city pursuant to
17 subparagraph (A) as a result of the operation of this
18 subparagraph shall be allocated to eligible cities in
19 accordance with clause (iv).

20 (iv) Commencing with the 1989–90 fiscal year, the
21 Controller shall allocate the amount determined in clause
22 (iii) for each fiscal year to each eligible city in the
23 proportion that the population of each eligible city bears
24 to total population of all eligible cities.

25 For purposes of this clause, “eligible city” means any
26 city which incorporated prior to June 5, 1987, and had an
27 amount of property tax revenue allocated to it pursuant
28 to subdivision (a) of Section 97 in the 1987–88 fiscal year
29 which is less than 10 percent of the amount of property
30 tax revenue computed for the 1987–88 fiscal year in
31 accordance with the method described in subdivision (c)
32 of Section 97.35.

33 The auditor shall notify the Controller of his or her
34 determination of those cities within the county which are
35 eligible cities.

36 (2) Each month the Controller shall allocate the
37 remainder of the amount determined pursuant to this
38 subdivision to counties and cities and counties in an
39 amount for each county and city and county equal to the
40 revenue received in the 1982–83 fiscal year pursuant to



1 former Section 16111, subdivision (c) of former Section
2 16113, and former Section 16113.7 of the Government
3 Code. These amounts shall be determined by the
4 Controller with the concurrence of the Director of
5 Finance. The Controller shall allocate any remaining
6 amount determined pursuant to this subdivision to
7 counties and cities and counties in the proportion that the
8 population of each county or city and county bears to the
9 total population of all the counties and cities and counties
10 of the state, as determined pursuant to subdivision (d).

11 (c) Fifty percent of the payments required by
12 subdivision (a) shall be paid to the cities and cities and
13 counties of this state in the proportion that the population
14 of each city or city and county bears to the total
15 population of all cities and cities and counties in this state,
16 as determined by the population research unit of the
17 Department of Finance. For the purpose of this
18 subdivision, the population of each city or city and county
19 is that determined by the last federal decennial or special
20 census, or a subsequent census validated by the
21 population research unit or subsequent estimate
22 prepared pursuant to Section 2107.2 of the Streets and
23 Highways Code. In the case of a city incorporated
24 subsequent to the last federal census, or a subsequent
25 census validated by the population research unit, the
26 population research unit shall determine the population
27 of the city. In the case of unincorporated territory being
28 annexed to a city subsequent to the last federal census, or
29 a subsequent census validated by the population research
30 unit, the population research unit shall determine the
31 population of the annexed territory by the use of any
32 federal decennial or special census, or estimate prepared
33 pursuant to Section 2107.2 of the Streets and Highways
34 Code. In the case of the consolidation of one city with
35 another subsequent to the last federal census, or a
36 subsequent census validated by the population research
37 unit, the population of the consolidated city, for the
38 purpose of this subdivision, is the aggregate population of
39 the respective cities as determined by the last federal



1 census, or a subsequent census or estimate validated by
2 the population research unit.

3 (d) Fifty percent of the payments required by
4 subdivision (a) shall be paid to the counties and cities and
5 counties of the state in the proportion that the population
6 of each county or city and county bears to the total
7 population of all the counties and cities and counties of
8 the state, as determined by the population research unit.
9 For the purpose of this subdivision, the population of each
10 county or city and county is that determined by the last
11 federal census, or subsequent census validated by the
12 population research unit, or as determined by Section
13 11005.6.

14 (e) Money disbursed by the Controller to cities and
15 counties pursuant to this section may be used for county
16 or city purposes and may, but need not necessarily, be
17 used for purposes of general interest and benefit to the
18 state.

19 (f) Population changes based on a federal special
20 census or a subsequent census validated by the
21 Department of Finance shall be accepted by the
22 Controller only if certified to him at the request of the
23 city, city and county, or county for which the census was
24 made and shall become effective on the first day of the
25 month following receipt of the certification.

26 *SEC. 32. This act is an urgency statute necessary for*
27 *the immediate preservation of the public peace, health,*
28 *or safety within the meaning of Article IV of the*
29 *Constitution and shall go into immediate effect. The facts*
30 *constituting the necessity are:*

31 *Existing defaults on bonds issued by local agencies*
32 *pursuant to the Marks-Roos Community Facilities Act of*
33 *1982 have resulted in severe economic and fiscal*
34 *hardships on property owners, local agencies, and private*
35 *investors. To speed the resolution of those impaired*
36 *investments, it is critical to amend Section 4986.3 of the*
37 *Revenue and Taxation Code by Section 30 of this act at*
38 *the earliest possible time.*



1 *SEC. 33. Except for Sections 30 and 32 and this*
2 *section, the provisions of this act shall become operative*
3 *on January 1, 2000.*

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