

**Excerpt from AB 1150 (Knox)
Statutes of 1970**

Attachment 1

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(e) Conformity with appropriate city or county general and specific plans.

SEC 45. Article 4 (commencing with Section 54850) is added to Chapter 66 of Part 1, Division 2, Title 5 of the Government Code, to read.

Article 4. Special Districts

54850. The commission may take proceedings pursuant to this article for the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts within the county and for representation of independent special districts upon the commission. Such proceedings may be initiated either by the commission or by independent special districts within the county. If any such rules and regulations are adopted and affect the functions or services provided or authorized to be provided by law by independent special districts within the county, then so long as such rules and regulations remain in effect independent special districts shall be represented by members appointed to the commission.

54851. The commission may adopt, amend or repeal rules and regulations affecting the functions and services of special districts within the county. The rules and regulations shall designate the special districts, by type and by principal act, to which they apply and the rules and regulations shall not apply to or affect the functions and services of any special districts not so designated. The rules and regulations may:

(a) Classify the various types of service which customarily are or can be provided within a single function of a special district. A class may be based upon the type of service; the purpose or use of the service; the facilities used to provide service; the type of consumers or users of the service; the extent of territory provided with service; and any other factors which, in the opinion of the commission, are necessary or convenient to group persons, properties or activities into a class having common characteristics distinct from those of other classes.

(b) Require existing districts to file written statements with the commission specifying the functions or classes of service provided by such districts.

(c) Establish the nature, location and extent of any functions or classes of service provided by existing districts.

(d) Determine that, except as otherwise authorized by such rules and regulations, no new or different function or class of service shall be provided by any existing district.

The rules and regulations shall not apply to the extension or enlargement, within the boundaries of an existing special district, of any function or service which the commission, pursuant to this section, has established is currently being provided by such special district.

54852. In any county where rules and regulations have been adopted, an application for the formation of a special district shall set forth the functions and services proposed to be provided by the district. If, in the opinion of the commission, approval of such application will necessitate adoption of any new rules and regulations or the amendment or repeal of any existing rules and regulations, the commission may condition approval of such application upon the adoption, amendment or repeal of such rules and regulations. Thereupon the commission shall initiate and conduct proceedings pursuant to this article for the adoption, amendment or repeal of such rules and regulations.

54853. Either the commission or the legislative body of any independent special district or districts within a county may adopt a resolution initiating proceedings.

(a) If a resolution proposes representation of independent special districts upon the commission, it shall also request the adoption of rules and regulations, as designated in Section 54851, affecting the functions and services of special districts within the county.

(b) If a resolution proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall request either that the commission:

(1) Consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed; or,

(2) Refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the secretary of the district for a detailed description thereof.

54853.1 If the commission adopts a resolution pursuant to subdivision (a) of Section 54853, the executive officer shall immediately call a meeting of the independent special district selection committee referred to in Section 54782.6. The meeting shall be held not less than 15 nor more than 35 days from the adoption of the resolution by the commission. The independent special district selection committee shall meet at the time and place designated by the executive officer and shall consider the commission's resolution. By majority vote of those district representatives voting on the issue, the selection committee shall either (i) approve or (ii) disapprove the commission's resolution. If the selection committee approves the commission's resolution, it shall immediately inform the executive officer of

such action, and the commission at its next meeting shall adopt a resolution of intention pursuant to Section 54855. If the selection committee disapproves the commission's resolution, it shall immediately inform the executive officer of this action and all further proceedings under this article shall cease.

54853.2. If an independent special district adopts a resolution pursuant to subdivision (a) of Section 54853, it shall immediately forward a copy thereof to the executive officer of the commission. Upon receipt of such resolutions from a majority of independent special districts within a county, the commission, at its next regular meeting, shall, by majority vote of those present and voting on the issue, either (i) approve or (ii) disapprove special district representation on the commission. If the commission approves such representation, it shall immediately adopt a resolution of intention pursuant to Section 54855. If the commission disapproves such representation, all further proceedings under this article shall cease.

54853.5. A certified copy of any resolution which has been adopted by an independent special district, pursuant to subsection (b) of Section 54853, and a copy of the text, if any, of proposed rules and regulations referred to therein shall be filed with the executive officer. If a resolution, or substantially identical resolution, has been filed by a majority of independent special districts within the county, then not later than 35 days after the filing, the commission shall adopt a resolution of intention in accordance with the filed resolution or resolutions.

54854. Minor changes in any existing rule and regulation affecting independent special districts may be ordered by the commission, without adoption of a resolution of intention, notice and hearing, or reference to a special district advisory committee, provided, that the commission makes a determination that such changes will not substantially affect the functions and services of any independent special district subject to such rules and regulations and such determinations as concurred in by both commission members appointed to represent independent special districts.

54855. Whenever the commission, or the independent special districts, as the case may be, have complied with the applicable provisions of Sections 54853, 54853.1, 54853.2, and 54853.5, the commission shall adopt a resolution of intention pursuant to this section. The resolution of intention shall:

(a) State whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of any such districts shall be set forth.

(b) If the resolution of intention proposes only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, it shall state either that the commission proposes:

(1) To consider the proposal without reference to a special district advisory committee, in which case the resolution shall contain the text of the rules and regulations proposed to be adopted, amended or repealed.

(2) To refer the proposal to a special district advisory committee for study, report and recommendation, in which case the resolution shall generally describe the nature of the rules and regulations proposed to be amended, adopted or repealed and, if then available, shall refer to a text on file with the executive officer for a detailed description thereof.

In addition, the resolution of intention adopted pursuant to this subsection shall also fix a time, not less than 15 nor more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the proposal made by the resolution should be disapproved, approved and ordered without reference to a special district advisory committee, or referred to a special district advisory committee for study, report and recommendation to the commission.

(c) If the resolution of intention proposes representation of independent special districts on the commission, it shall state that the commission proposes to refer the proposal to a special district advisory committee and the commission shall immediately order the proposal referred thereto pursuant to Section 54858.

54856. If a hearing is called pursuant to subdivision (b) of Section 54855, the executive officer shall give notice of the hearing by publication, as provided in Sections 56083 and 56084, by posting, as provided in Sections 56085 and 56086, and by mailing to the clerk or secretary of the county and each local agency within the county, as provided in Sections 56087 and 56088.

54857. The hearing referred to in Section 54856 shall be held by the commission at the time and place specified or to which the hearing may be continued. After the conclusion of the hearing, the commission shall adopt a resolution disapproving the proposal made by the resolution of intention, approving and ordering the proposal without reference to a special district advisory committee, or ordering the proposal referred to a special district advisory committee for study, report and recommendation.

54858. If the commission orders a proposal referred to a special district advisory committee for study, report and recommendation, the appointment of and proceedings by the advisory committee shall be made and taken substantially in accordance with the provisions of Chapter 2 (commencing with Section 56220), Part 3, Division 1, Title 6 of the Government Code pertaining to reorganization committees, except that the advisory committee shall not be terminated until after the commission acts upon the report and recommendation of the advisory committee. Various terms and phrases, as used in Chapter 2, shall have the following meanings when applied to proceedings taken pursuant to this article:

(a) "Plan of reorganization" means a plan containing the text of rules and regulations affecting the functions and services of special districts.

(b) "Proposal of reorganization," "reorganization," or "change of organization" means a proposal made pursuant to this article.

(c) "Reorganization committee" means the special district advisory committee.

(d) "Subject district" means an independent special district affected by a proposal made pursuant to this article.

If the commission is of the opinion that special districts other than independent special districts, may be affected by the proposal then in addition to the appointment of voting members to the advisory committee to represent independent special districts, the commission may authorize the legislative bodies of special districts, other than independent special districts, to appoint nonvoting members to the advisory committee. Any nonvoting member shall have all of the rights of a voting member excepting only the right to vote.

54859. Where special district advisory committee consists of voting members representing more than five independent special districts, the advisory committee in its discretion may appoint an executive committee to undertake all or part of the study and may authorize the executive committee to prepare a tentative report and recommendation for submission to and approval by the full advisory committee. The executive committee shall consist of such number of voting members as the advisory committee may determine. If the commission shall have authorized the appointment of nonvoting members to the advisory committee, such nonvoting members may appoint members to the executive committee in numbers not exceeding those appointed by the voting members; any nonvoting member appointed to the executive committee shall have all of the rights of a voting member thereon, excepting only the right to vote.

Upon completion of the studies of the executive committee, it shall report to the full advisory committee and submit any tentative report and recommendation prepared by it. Thereupon the advisory committee may reject any tentative report and recommendation submitted, may adopt any such report and recommendation, either as submitted by the executive committee or as changed by the full advisory committee, or the advisory committee may prepare its own report and recommendation.

54860 Not later than 35 days after the filing with the executive officer of the report and recommendation of a special district advisory committee, the commission shall take one of the following actions:

(a) If the report concerns only the adoption, amendment or repeal of rules and regulations affecting the functions and services of special districts, the commission may either (i) disapprove the report without further notice and hearing or (ii) adopt a resolution of intention to hold a hearing on the report pursuant to subsection (b).

(b) If the report concerns a request for special district representation on the commission and the adoption, in connection with such representation, of rules and regulations affecting the functions and services of special districts, the commission shall adopt a resolution declaring its intention to approve the report and recommendation, as filed or as such rules and regulations may be changed by the commission after notice and hearing thereon. A resolution of intention shall:

(1) Refer to the report and recommendation of the special district advisory committee, generally describe the nature and contents of the report and recommendation and refer to the report and recommendation on file with the executive officer for a detailed description thereof.

(2) Declare the intention of the commission to approve the recommendation and report, as filed or as such rules and regulations may be changed by the commission after notice and hearing.

(3) Fix a time, not less than 15 nor more than 35 days after the adoption of the resolution of intention, and the place of hearing by the commission on the question of whether the report and recommendation filed by the special district advisory committee should be approved, either as filed or as ordered changed by the commission after notice and hearing.

54861 The executive officer shall give notice of the hearing by publication, as provided in Sections 56083 and 56084, by posting, as provided in Sections 56085 and 56086, and by mailing to the clerk or secretary of the county and each local agency within the county, as provided in Sections 56087 and 56088.

54862. The hearing shall be held by the commission at the time and place specified or to which the hearing may be continued. During the course of the hearing, the commission may propose changes in the report and recommendations. Any such changes shall be referred, for review, to the special district advisory committee, or if the advisory committee has appointed an executive committee, to such executive committee. The advisory committee, or the executive committee, shall have 60 days to report back to the commission. If no report is received by the commission within 60 days, the advisory committee shall be deemed to have approved the proposed changes in the report and recommendation.

Within 30 days after the conclusion of the hearing, the commission shall adopt a resolution approving the report and recommendation, either as filed or as such rules and regulations may be changed by the commission.

54863. Any resolution approving the report and recommendation of a special district advisory committee, either as filed or as changed by the commission, shall order

(a) The adoption, amendment or repeal of rules and regulations, in accordance with the recommendations of the approved report.

(b) The chairman of the commission to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to select independent special district representations on the commission pursuant to Section 54782.6.

SEC. 5. Section 56068 of the Government Code is amended to read:

56068. "Reorganization" means one or more changes of organization proposed for:

(a) Each of two or more subject districts, including cities, landowner-voter districts or resident-voter districts and may include the formation of one or more new districts consisting of all or any part of the territory of any of the subject districts; or

(b) Any single such subject district and shall include the formation of one or more new districts consisting of all or any part of the territory of such subject district.

SEC. 6. Section 56132 of the Government Code is amended to read:

56132. Notwithstanding the provisions of Section 6103, a commission may establish a schedule of filing fees for checking the sufficiency of any petition filed with the executive officer. Such fees shall not exceed fifteen cents (\$0.15) for each signature affixed to the petition. A minimum filing fee of not to exceed ten dollars (\$10) may be established. Any fee so established shall be paid to the executive officer at the time of filing of the petition. No petition shall be deemed filed until such fees have been paid.

SEC. 7. Section 56133 of the Government Code is amended to read:

56133. Notwithstanding the provisions of Section 6103, the commission also may establish a schedule of processing fees for the estimated expenses of the preliminary proceedings to be taken by the commission and any reorganization committee. Such fees shall not exceed five hundred dollars (\$500) for each separate change of organization contained in a proposal. Such processing fee shall be deposited with the executive officer after the filing with the executive officer of any application by a legislative body for a change of organization, or the certification by the executive officer of the sufficiency of a petition. Said deposit shall be made within such period as the commission may specify. No further action shall be taken upon any such application or petition until said processing fee is so deposited.

SEC. 8. Section 56134 of the Government Code is repealed.

SEC. 8.5. Section 56234 of the Government Code is amended to read:

56234. Upon completion of the study of a reorganization committee, said committee shall prepare and submit to the commission a report and recommendation containing:

(a) A brief summary of the nature and extent of the study of the committee.