GOVERNMENT CODE

DISTRICT REORGANIZATION ACT

OF 1965

Updated April 1978

Division 1

DISTRICT REORGANIZATION ACT OF 1965

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Part 1

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Chapter 1

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(Chapter 1 added by Stats. 1965, c. 2043, p. 4671, sec. 2.)

Cross References

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56000. Citation

This division may be cited as the District Reorganization Act of 1965.

(Added Stats. 1965, c. 2043, p. 4671, sec. 2.)

56001. Exclusive procedure

This division shall provide the sole and exclusive authority and procedure for the initiation, conduct and completion of changes of organization and reorganization. On and after the effective date of this division, all changes of organization and reorganizations shall be initiated, conducted and completed in accordance with and as provided in this division.

(Added Stats. 1965, c. 2043, p. 4671, sec. 2.)

Cross References

Alternative procedure, fire and fire protection districts, see sec. 56003.2.

Application of division or principal act to change, see sec. 56016.

Exclusions, cities, see sec. 56003.1.

Pending changes, see sec. 56002.

56002. Pending changes; exemption.

Notwithstanding Section 56001, this division shall not apply to any proceeding for a change of organization which shall be pending on the effective date of this division. Any such pending proceedings may be continued and completed under and in accordance with any provisions of law other than this division. The repeals, amendments and additions made by the act enacting this division shall not apply to any such pending proceedings and the laws existing prior to the effective date of such act shall continue in full force and effect, as applied to any such pending proceedings.

(Added Stats. 1965, c. 2043, p. 4671, sec. 2.)

Cross References

Pending defined, see sec. 56003.

56003. Pending changes; definition

Within the meaning of Section 56002, a proceeding for a change of organization shall be deemed pending on the effective date of this division if prior thereto such proceedings shall have been initiated, in accordance with the provisions of the principal act, by the filing of a sufficient petition requesting a change of organization or the adoption by a legislative body of an ordinance, resolution or order initiating proceedings for a change of organization.

(Added Stats. 1965, c. 2043, p. 4671, sec.2.)

56003.1 Applicability of division to incorporation, annexation, consolidation, etc., of cities and formation of districts

Except as provided in this section, this division shall have no application to the incorporation of cities, the annexation or detachment of territory to or from cities, minor changes of city boundaries or the consolidation or disincorporation of cities or to the formation of districts (except when any such formation is a part of a reorganization) or to proceedings for any of the foregoing. An annexation to a city or a detachment from a city which is proposed as a part of a plan of reorganization may be conducted in accordance with the procedures for reorganization set forth in this division unless the affected city objects thereto. The incorporation of a new city, which is proposed as a part of a plan of reorganization, may also be conducted in accordance with the procedures for reorganization set forth in this division unless the board of supervisors objects thereto. The disincorporation of an existing city which is proposed as a part of a plan of reorganization may also be conducted in accordance with the procedures for reorganization set forth in this division unless the affected city objects thereto. In any commission order giving approval to any of the matters provided for in subdivision (a) of Section 56250, the commission may make any such approval conditional upon:

(a) The initiation, conduct or completion of proceedings for the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or for the formation of any district; and

(b) The approval or disapproval, with or without election, as may be provided by law, of any resolution or ordinance ordering the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or the formation of a district.

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon the question of confirming a change of organization or a reorganization pursuant to the provisions of this division shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

(Amended Stats. 1969, c. 1177, p. 2308, sec. 1; Stats. 1971, c. 176, p. 241, sec. 1; Stats. 1972, c. 340, p. 638, sec. 1; Stats. 1974, c. 127, urgency, eff. April 2, 1974)

56003.2 Fire and fire protection districts; alternative procedure

If any fire protection district or fire district shall be organized under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, the foregoing law shall provide an additional and alternative authority and procedure for the initiation, conduct and completion of detachments of territory from any such district or for the dissolution thereof or for the inclusion of a city or a portion thereof in a district. When a proceeding for a detachment or dissolution is made pursuant to the foregoing law, only the provisions of such law shall be applicable to the initiation, conduct and completion of such proceedings, and this division and the repeals, amendments and additions made by the act enacting this division shall not apply thereto.

(Amended Stats. 1967, c. 920, p. 2377, sec. 23; Stats. 1969, c. 1301, p. 2548, sec. 34.3; Stats. 1972, c. 340, p.___, sec. 1.5.)

56003.3 County service area; organization; detachments of territory

If any county service area shall be organized under Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2, Title 3 of this code, such chapter shall provide an additional and alternative authority and procedure for the initiation, conduct and completion of detachments of territory from any such service area. When a proceeding for detachment is made pursuant to such chapter, only the provisions of such chapter shall be applicable to the initiation, conduct and completion of such proceedings and this division shall not apply thereto.

(Added Stats. 1967, c. 920, p. 2389, sec. 62.)

56004. Application of principal act of district

It shall not be necessary for the principal act of any district to adopt or incorporate this division by reference and any change of organization or reorganization provided for by this division is authorized to be made by or with respect to any district. Except as otherwise provided in this division, in any change of organization or reorganization the principal act shall govern as to any provisions therein pertaining to boundaries, to contiguity or noncontiguity of territory, to the incorporated or unincorporated status of territory and to the overlapping of territory of a district with the territory of another district or city. Unless otherwise provided by the principal act, any territory annexed to a district shall be contiguous thereto and shall not be a part of another district formed under the same principal act without the consent of such other district.

(Added Stats. 1965, c. 2043, p. 4672, sec. 2.)

Cross References

Application of principal act, see sec. 56016.

56005. Boundaries; automatic changes in certain districts

Where the principal act of any parent district provides that the boundaries of the parent district shall be automatically changed in the event of a change in the boundaries of a member district, or that the boundaries of the parent district may be concurrently changed with a change in the boundaries of a member district, the boundaries of said parent district shall be deemed to be automatically, or may be concurrently, changed as the case may be, when proceedings are in accordance with the provisions of the principal acts of any such parent district, upon completion of a change of organization or a reorganization changing the boundaries of said member district. The local agency formation commission of the principal county of the member district shall have exclusive jurisdiction over such a change in boundaries of the member district and also of any parent district subject to this division.

(Amended Stats. 1967, c. 920, p. 2377, sec. 23.1.)

56006. Construction; harmless irregularities; fraud; prejudicial abuse of discretion; review

This division shall be liberally construed to effectuate its purposes. No change of organization or reorganization ordered under this division shall be invalidated by any defect, error, irregularity or omission in any act, determination or procedure which does not adversely and substantially affect the rights of any person, city, county, district, the state or any agency or subdivision of the state. All determinations made by a commission or by any legislative body under and pursuant to the provisions of this division shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. In any action or proceeding to review any determination made by a commission or by a legislative body the sole inquiry shall be whether there was fraud or prejudicial abuse of discretion. Prejudicial abuse of discretion shall be established if the court finds that any determination of a commission or a legislative body was not supported by substantial evidence in light of the whole record.

(Added Stats. 1965, c. 2043, p. 4672, sec. 2. Amended Stats. 1976, c. 959, eff. Jan. 1, 1977)

56006.1 Time for action as directory rather than mandatory

In this division, provisions governing the time within which an official, a governing board, or the commission is to act shall in all instances be deemed directory rather than mandatory.

(Added Stats. 1972, c. 340, p. 639, sec. 2.)

56007. Protests and objections; requirements; waiver.

Any protest or objection pertaining to the regularity or sufficiency of any proceedings or preliminary proceedings must be in writing, clearly specify the defect, error, irregularity or omission to which protest or objection is made and must be filed within the time and in the manner provided by this division. Any such protest or objection not so made and filed shall be deemed voluntarily waived.

(Added Stats. 1965, c. 2043, p. 4673, sec. 2.)

56008. Action to test validity of change of organization or reorganization

An action to determine the validity of a change of organization or a reorganization may be brought pursuant to Chapter 9 (commencing at Section 860) of Title 10, Part 2 of the Code of Civil Procedure.

(Added Stats. 1965, c. 2043, p. 4673, sec. 2.)

56009. Date of completion of change

For the purpose of any action to determine or contest the validity of any change of organization or reorganization, such change of organization or reorganization shall be deemed to be completed and in existence upon the date of execution of the certificate of completion.

(Amended by Stats. 1978, c. 76, urgency, effective April 7, 1978.)

56010. Rights of creditors and bondholders; enforcement; districts liable

No change of organization or reorganization, or any term or condition thereof, shall impair the rights of any bondholder or other creditor of any city or district. Notwithstanding any provision of this division, or of any change of organization or reorganization, or any term or condition thereof, each and every bondholder or other creditor may enforce all his rights in the same manner and to the same extent as if such change of organization, reorganization, term or condition had not been made. Any such rights may also be enforced against agencies, and their respective officers, as follows:

(a) Annexation or detachment: against the district to or from which territory is annexed or detached.

(b) Dissolution: against the successor city, county or district or against any city, county or district receiving distribution of all or any part of the remaining assets of a dissolved district.

(c) Consolidation: against the consolidated district.

(d) Merger: against the city.

(e) Establishment of a subsidiary district: against the district and the city council as ex officio the board of directors of such district.

(f) Reorganization: against the city, county or district, as the case may be, for any of the above enumerated changes of organization which may be included in the particular reorganization.

(Added Stats. 1965, c. 2043, p. 4673, sec. 2.)

56010.1 Application of Section 56470; public agencies; creditors and bondholders

The provisions of Section 56470, and any term and condition provided or made pursuant thereto, shall be enforceable by, between, among and against any public agency or agencies designated in any such term and condition, but shall not constitute or be given effect as a limitation upon the power of any bondholder or other creditor to enforce his rights (particularly any rights provided for by Articles 2 (commencing with Section 56480) to 7 (commencing with Section 56550), inclusive, of Chapter 9, Part 5 of this division), as if said Section 56470 had not been enacted or said term and condition had not been made or provided pursuant thereto.

(Added Stats. 1965, c. 2043, p. 4674, sec. 2.)

56011. Partial invalidity

If any provision of this divsion, or the application thereof in any circumstance or to any person, city, county, district, the state, or any agency or subdivision of the state, is held invalid, the remainder of this division or the application thereof in other circumstances or to other persons, cities, counties, districts, the state, or any agencies or subdivisions of the state shall not be affected thereby.

(Added Stats. 1965, c. 2043, p. 4674, sec. 2.)

56012. Conflicts of jurisdiction between counties

If a proposed change of organization or a reorganization shall apply to two or more affected counties, for the purpose of this division, exclusive jurisdiction shall be vested in the officers of the principal county. Any notices, proceedings, orders or any other acts authorized or required to be given, taken or made by the commission, board of supervisors, clerk of a county or any other officer of a county, shall be given, taken or made by the persons holding such offices in the principal county. Any officer of a county other than the principal county shall cooperate with the officers of the principal county and shall furnish the officers of the principal county with such certificates, records or certified copies of records as may be necessary to enable the officers of the principal county to comply with this division.

(Added Stats. 1965, c. 2043, p. 4674, sec. 2.)

56012.5 Jurisdiction vested in other than principal county; requirements

Notwithstanding the provisions of Section 56012, if a proposed change of organization or a reorganization shall apply to two or more affected counties, for purposes of this division, exclusive jurisdiction may be vested in the officers of an affected county other than the principal county provided that:

(a) The commission of the principal county approves of having exclusive jurisdiction vested in another affected county; and

(b) The commission of the principal county designates the affected county which shall assume exclusive jurisdiction; and

(c) The commission of the affected county so designated agrees to assume exclusive jurisdiction.

If the exclusive jurisdiction is vested in an affected county other than the principal county pursuant to this section, any notices, proceedings, orders, or any other acts authorized or required to be given, taken or made by the commission, board of supervisors, clerk of a county or any other officer of a county, shall be given, taken or made by the persons holding such offices in such affected county. Any officer of a county other than such affected county shall cooperate with the officers of such affected county and shall furnish the officers of such affected county with such certificates, records or certified copies of records as may be necessary to enable the officers of such affected county to comply with this division.

(Added Stats. 1971, c. 263, p. 422, sec. 2.)

56013. New districts and improvement districts; extent of application of division

If any reorganization shall provide for the formation of any new district or districts, such district or districts shall be deemed to have been formed upon compliance with the procedure and provisions of this division relating to reorganization. If the terms and conditions of any change of organization or reorganization provide for the formation of an improvement district or for the annexation or detachment of territory to or from an existing improvement district, such formation, annexation or detachment shall be deemed to have been completed upon compliance with the procedure and provisions of this division relating to change of organization or reorganization. In any proceeding for a change of organization or a reorganization providing for territory to be formed into or annexed to or detached from an improvement district, the clerk of the county or of the district, as the case may be, shall give mailed notice of hearing on the proposed change of organization or reorganization to all landowners owning land within such territory. No further or separate proceedings need be taken for the formation of any such district or improvement district or for the annexation or detachment of territory to or from the existing improvement district. To that extent only, the provisions of this division shall govern and provide the exclusive procedure for the formation of any such new districts or improvement districts or for the annexation or detachment of territory to or from existing improvement districts and the provisions of the principal act relating to the formation of such districts or improvement districts or for the annexation or detachment of territory to or from exisitng improvement districts shall have no application thereto.

(Amended Stats. 1967, c. 920, p. 2377, sec. 24.)

56014. Estimated assessed valuations

Upon request by the executive officer or the clerk of any county or district, the assessor of any city, county or district shall furnish estimated assessed valuations, determined by the same methods and valuations used in preparing the last equalized assessment roll, in the following cases:

(a) Where real property is owned by a public agency and no assessed value for such real property is shown on said roll;

(b) Where a single assessment parcel shown on the last equalized assessment roll:

(1) Has been split into two or more parcels by reason of the sale or conveyance of any portion of the original assessment parcel, or

(2) Overlaps two or more counties, cities, districts, or election precincts, or any combination thereof.

Any such estimates shall be conclusively presumed to be assessed values for the purpose of this division but shall be given no force or effect for other purposes.

(Added Stats. 1965, c. 2043, p. 4675, sec. 2.)

56015. Non-district status; application for determination; notice

If the legislative body of any of the districts, agencies or authorities enumerated in subdivision (m) of Section 56039 desires a determination by the commission that such district, agency or authority is not a "district" within the meaning of this division, such legislative body, prior to the adoption of any ordinance, resolution or order proposing, declaring an intention or initiating proceedings to make a change of organization, shall make application to the commission of the principal county describing the proposed change of organization and requesting such a determination. If a proposal is initiated by other than the legislative body of a district, the district may, within 10 days of notification by the commission of the initiation of the proposal, request a determination by the commission that it is not a "district." Any such application shall be filed with the executive officer and shall be presented to the commission not later than its next regular meeting. The executive officer shall give the legislative body filing any such application mailed notice of the time and place at which such application will be presented to the commission. No other notice is required to be given, provided, that the commission, prior to making its findings and determinations, may order the executive officer to give notice of the filing and presentation of such application by publication or by mailing to other affected counties, cities and districts, or by both.

(Amended Stats. 1967, c. 920, p. 2378, sec. 25.)

56016. Non-district status; determination; "ultimate user" defined; application of division to change of organization; application of principal act

Upon presentation of any application filed pursuant to Section 56015, the commission shall determine that the applicant district, agency or authority is not a "district," if the commission shall find that such applicant is not engaged:

(a) In the distribution and sale for any purpose, other than for the purpose of resale, of water or of gas or electricity for light, heat or power;

(b) In furnishing sanitary sewer service or garbage and refuse collection service to the ultimate users thereof;

(c) In providing fire or police protection; or

(d) In the acquisition, construction, maintenance, lighting or operation of streets and highways, street and highway improvements or park and recreation facilities, except as an incident to the exercise of other lawful powers of the applicant.

"Ultimate user" means any user or consumer other than the state, the United States, a city, a county or a district, any agency, department or office of any thereof, or a public utility.

If the commission shall determine that any applicant district, agency or authority enumerated in subdivision (m) of Section 56039 is not a "district," then none of the provisions of this division shall apply to the change of organization described in the application and proceedings for such change of organization shall be taken under and pursuant to the principal act. If no application is made to the commission, or if the commission in passing upon an application fails to determine that the applicant is not a "district," then this division shall provide the sole and exclusive authority for the initiation, conduct and completion for a change of organization by any such district, agency or authority and, to the extent of any inconsistency between the provisions of this division and those of the principal act of the applicant, the provisions of this division shall control.

(Added Stats. 1965, c. 2043, p. 4675, sec. 2.)

Cross References

Application of principal act, see sec. 56004.
Definition of "district," effect of determination of non-district status, see sec. 56039.
Exclusive procedure, see sec. 56001.

56017. Public utility service area; inclusion in district authorized to furnish service; approval of service changes; "gas or electric service" defined

Where a public utility has been granted a certificate of public convenience and necessity authorizing and requiring it to furnish gas or electric service within a certain service area and, as a result of a change of organization or reorganization, territory consisting of all or any part of such service area becomes a part of or is formed into a district authorized by its principal act to furnish gas or electric service, said district shall not furnish any such service within said territory except upon approval thereof (i) by the commission after receipt and consideration of the report of the Public Utilities Commission made as provided in Section 56019 and (ii) by the voters within such territory, given as provided in Section 56018. If both such approvals shall be given, upon assumption of service by the district the public utility may at any time thereafter withdraw service within said territory, unless otherwise ordered by the Public Utilities Commission. As used in Sections 56017 to 56019, inclusive, "gas or electric service" means the distribution and sale for any purpose, other than for the purpose of resale, of gas or electricity for light, heat or power.

(Added Stats. 1965, c. 2043, p. 4676, sec. 2.)

Cross References

Proposal for gas or electric service, report of Public Utilities Commission, filing prior to hearing, see sec. 56263.1.

56018. Public utility service change, voter approval.

Voter approval within said territory, as required by Section 56017, shall be given at an election. The question submitted at any such election shall identify the district, designate the kind of service to be furnished, identify the territory within which such service is proposed to be furnished, and state the name of the public utility presently authorized to furnish such service within said territory.

The district shall not furnish such service within said territory unless the question of furnishing such service shall have been submitted to the voters at an election called, held and conducted within such territory and a majority of the votes cast upon such question are in favor of such service. The board of supervisors or the legislative body of the conducting district may submit such question at the election called upon the question of confirmation of an order of change of organization or reorganization, or the board of directors of the district may submit the question of such service at a special election called after completion of the proceedings for such change of organization or reorganization. The question of such service shall be submitted as a separate proposition at any election within such territory and shall be voted upon only by qualified voters within said territory. If such question shall be defeated at any such election, for one year thereafter no petition requesting such service may be filed and no new election called upon such question.

(Added Stats. 1965, c. 2043, p. 4676, sec. 2.)

56019. Public utility service change; investigation; hearings; issues before commission

The executive officer shall file with the Public Utilities Commission a certified copy of any proposal for a change of organization or a reorganization which provides, as a part thereof, that gas or electric service be furnished by a district within any of the territory affected by such proposed change of organization or reorganization; said certified copy need not contain any signatures where the proposal is by petition. After any such change of organization or reorganization shall have been ordered, the clerk of the district shall file with the Public Utilities Commission a certified copy of any ordinance, resolution or order made by the board of directors of a district proposing to furnish gas or electric service within such territory.

After any such filing, the Public Utilities Commission shall cause an investigation to be made and may conduct such hearings in connection therewith as it considers desirable. Upon completion thereof and not later than 90 days after the date of such filing, the Public Utilities Commission shall make a report to the commission stating whether, in the opinion of the Public Utilities Commission, the proposed service by the district within said territory will substantially impair the ability of the public utility to provide adequate service at reasonable rates within the remainder of the service area of such public utility.

The secretary of the Public Utilities Commission shall immediately file a certified copy of such report with the executive officer.

(Added Stats. 1965, c. 2043, p. 4677, sec. 2.)

Cross References

Approval of service change, necessity, see sec. 56017.
Proposal for gas or electric service, report of Public Utilities Commission, filing prior to hearing, see sec. 56263.1.

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(Chapter 2 added by Stats. 1965; amended by Stats. 1981)

**Amended by Stats. 1981

56020. Application of definitions

Unless the provision or context otherwise requires, the definitions contained in this chapter govern the construction of this division. The definition of a word applies to any of such word's variants.

(Added Stats. 1965, c. 2043, p. 4677, sec. 2.)

56021. Affected city

"Affected city" means each city (i) which contains territory for which a change of organization is proposed or ordered, (ii) which would contain such territory as a result of proceedings taken pursuant to this division or to the city annexation laws or (iii) which contains all or any part of a district for which a change of organization is proposed or ordered with respect to territory outside such city.

(Amended Stats. 1967, c. 920, p. 2838, sec. 26.)

56022. Affected county

"Affected county" means each county which contains or would contain any territory for which a change of organization is proposed or ordered or which contains all or any part of a district for which a change of organization is proposed or ordered with respect to territory outside such county.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56023. Affected district

"Affected district" means each district which contains or would contain territory for which a change of organization is proposed or ordered.

(Added Stats. 1965, c.2043, p. 4678, sec. 2.)

56023.5 Affected territory

"Affected territory" means any territory for which a change of organization is proposed or ordered.

(Added by Stats. 1977, c. 90)

56024. Annexation

"Annexation" means the annexation, inclusion, attachment or addition of territory to a district.

(Added Stats.1965, c.2043, p.4678, sec.2.)

56025. Benefit district

"Benefit district" means a district containing lands which are, or will be, benefitted by their inclusion within such district, the owners of such lands being entitled, under the laws or Constitutions of the state or the United States, to notice by mail or personal service and hearing prior to the inclusion of such lands within the district.

(Amended Stats. 1972, c. 340, p.639, sec. 2.5.)

56026. Board of directors

"Board of directors" means the legislative body or governing board of a district.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56027. Board of supervisors

"Board of supervisors" means the board of supervisors of a county.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56028. Change of organization

"Change of organization" means an annexation or detachment of territory to or from a district, a minor boundary change, the dissolution or consolidation of any district or districts, a merger or the establishment of a subsidiary district, and, in the case of a reorganization, also includes district formations, annexations to, detachments from, and disincorporations of, cities when the affected cities do not object to such annexations, detachments, or disincorporations, and the incorporation of new cities when the board of does not object to such incorporations.

(Amended Stats. 1969, c. 1177, p. 2308, sec. 2; Stats. 1971, c. 176, p. 242, sec. 1.2; Stats. 1974, c. 127, urgency, eff. April 2, 1974)

56029. Chief petitioners

"Chief petitioners" means any persons designated in a petition for the purpose of receiving any notice authorized or required to be given to the chief petitioners.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56030. City

"City" means any chartered or general law city.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56031. City council

"City council" means the legislative body or governing board of a city.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56032. Clerk

"Clerk" means the clerk or secretary of a county, city or district, or the legislative body thereof. Where the office of county clerk is separate from the office of the clerk of the board of supervisors, "Clerk" means the clerk of the board of supervisors. Where the office of county clerk is separate from the office of the registrar of voters, "clerk" means the registrar of voters with respect to all duties pertaining to the conduct of elections and the county clerk with respect tc all other duties.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56033. Commission

"Commission" means a local agency formation commission created pursuant to Chapter 6.6 (commending with Section 54775) of Part 1, Division 2, Title 5.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56034. Conducting district

"Conducting district" means a district whose board of directors is empowers to conduct a proceeding for an annexation, detachment or minor boundary change pertaining to that district.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56035. Consolidation

"Consolidation" means the uniting or joining of two or more districts into a single new successor district, all such districts having been or being formed pursuant to the same principal act.

(Added Stats. 1965, c. 2043, p. 4678, sec. 2.)

56036. Blank.

56037. Detachment

"Detachment" means the detachment, deannexation, exclusion, deletion or removal from a district of any portion of the territory of such district.

(Added Stats. 1965, c. 2043, p. 4679, sec. 2.)

56038. Dissolution

"Dissolution" means the dissolution, disincorporation, extinguishment and termination of the existence of a district and the cessation of all its corporate powers, except for the purpose of winding up the affairs of said district.

(Added Stats. 1965, c. 2043, p. 4679, sec. 2.)

56039. District

"District" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall include a county service area but shall exclude the following:

(a) The state;

(b) A county;

(c) A city, except for the provisions of this division relating to a merger, the establishment of a subsidiary district, or a reorganization which includes an annexation to, a detachment from, or disincorporation of, a city when the affected city does not object to such annexation, detachment or disincorporation, or the incorporation of a new city when the board of supervisors does not object to such incorporation;

(d) A school district;

(e) A unified or union high school library district;

(f) A special assessment district;

(g) An improvement district;

(i) An air pollution control district;

(j) A bridge and highway district or a joint highway district;

(k) A transit or rapid transit district or authority;

(l) A metropolitan water district;

(m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water

authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division.

(Amended Stats. 1967, c. 920, p. 2379, sec. 28; Stats. 1969, c. 1177, p. 2309, sec. 3; Stats. 1970, c. 110, p. 337, sec. 1; Stats. 1971, c. 176, p. 242, sec. 1.5; Stats. 1974, c. 127, urgency, eff. April 2, 1974.)

56040. District of limited powers

"District of limited powers" means an airport district, community services district, municipal utility district, public utilities district, fire protection district, harbor district, port district, recreational harbor district, small craft harbor district, resort improvement district, library district, local hospital district, local health district, municipal improvement district formed pursuant to any special act, municipal water district, police protection district, recreation and park district, garbage disposal district, garbage and refuse disposal district, sanitary district, county sanitation district, public cemetery district, California water district, county water district, county waterworks district or irrigation district.

(Amended Stats. 1967, c. 920, p. 2379, sec. 29.)

56041. Executive officer

"Executive officer" means the executive officer appointed by a commission or, if none has been appointed, then the county officer acting as the executive officer for the commission.

(Added Stats. 1965, c. 2043, p. 4679, sec. 2.)

56042. Formation

"Formation" means the formation, incorporation, organization or creation of a district.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56043. Improvement district

"Improvement district" means a district, area or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56044. Include

"Include," except when used in relation to the inclusion of land, does not necessarily exclude matters not enumerated.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56045. Inhabited territory

"Inhabited territory" means territory within which there reside 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings.

(Amended Stats. 1967, c. 920, p. 2379, sec. 29.5.)

56046. Landowner; owner of land

"Landowner" or "owner of land" means: any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land. "Landowner" or "owner of land" shall not include a public agency which owns highways, rights-of-way, easements, waterways, or canals.

For the purpose of mailed notice provided pursuant to Section 56089, the definition of landowner or owner of land shall be each person to whom land is assessed, as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll.

(Amended by Stats. 1981, c. 961)

56047. Landowner-voter

"Landowner-voter" means any person entitled to vote in a landowner-voter district, or the legal representative of such person or, in the case of an election, the proxy of such person.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56048. Landowner-voter district

"Landowner-voter district" means a district whose principal act provides that owners of land within the district are entitled to vote upon the election of district officers, the incurring of bonded indebtedness or any other district matter.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56049. Last equalized assessment roll

"Last equalized assessment roll" means the last equalized assessment roll or book used by a county, city or a district for the purpose of the annual levy and collection of any taxes or assessments imposed by said county, city or district.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56050. Legal representative

"Legal representative" means: an officer of a corporation duly authorized, by the bylaws or a resolution of the board of directors of such corporation, to sign for and on behalf of the corporation; and a guardian, executor, administrator or other person holding property in a trust capacity under appointment of court, when authorized by an order of court, which order may be made without notice.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56051. Legislative body

"Legislative body" means the legislative body or governing board of a county, city or district.

(Added Stats. 1965, c. 2043, p. 4680, sec. 2.)

56052. Major district

"Major district" has the meaning set forth in Section 56442.

(Added Stats. 1965, c. 2043, p. 4680, sec. 1.)

56053. Sufficient petition

"Sufficient petition" means a petition which upon its filing and certification, imposes a mandatory duty upon the commission to hold a hearing and make determinations with respect to the proposal contained in such petition.

(Amended Stats. 1969, c. 1301, p. 2542, sec. 8.)

56053.1 Member district

"Member district" means any district which is included, in whole or in part, within another district or any of the entities enumerated in subdivisions (1) and (m) of Section 56039, all or any part of such first-mentioned district being entitled, under the provisions of the principal act of any such second-mentioned district or entity, to receive or be furnished with any governmental or proprietary service or commodity by such second-mentioned district or entity.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56054. Merger

"Merger" means the extinguishment, termination and cessation of the existence of a district of limited powers by the merger of such district with a city as a result of proceedings taken pursuant to this division.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56055. Minor district

"Minor district" has the meaning set forth in Section 56442.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56056. Minor boundary change

"Minor boundary change" means an annexation or detachment, or both, making an alteration or relocation of the boundary of a district resulting in not more than one acre of land being annexed to or detached from such district.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56056.1 Next assessment roll

"Next assessment roll" means the next assessment roll or book to be equalized and used by a county, city or a district for the purpose of the annual levy and collection of any taxes or assessments imposed by said city, county or district.

(Added ,Stats. 1965, c. 2043, p. 4681, sec. 2.)

56057. Nonbenefit district

"Nonbenefit district" means a district, within which the landowners are not entitled, under the laws or Constitutions of the state or the United States, to notice and hearing prior to the inclusion of their lands within the district.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56058. Notice

"Notice" means any ordinance, resolution, order, notice or other matter authorized or required by this division to be published, posted or mailed.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56059. Overlap; overlapping territory

"Overlap" or "overlapping territory" means territory which is included within the boundaries of two or more districts or within one or more districts and a city.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56059.1 Parent district

"Parent district" means any district or any of the entities enumerated in subdivisions (l) and (m) of Section 56039 which shall include all or any part of another district, said first-mentioned district or entity being obligated, under the provisions of the principal acts of any such first-mentioned district or entity, to provide and furnish any governmental or proprietary service or commodity to said second-mentioned district.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56060. Repealed. Stats. 1969, c. 1301, p. 2544, sec. 10

56061. Plan of reorganization

"Plan of reorganization" means a plan or program for effecting a reorganization, such plan or program containing a description of all changes of organization included in the reorganization and setting forth all terms, conditions and matters necessary or incidental to the effectuation of such reorganization.

(Added Stats. 1965, c. 2043, p. 4681, sec. 2.)

56062. Preliminary proceedings

"Preliminary proceedings" means proceedings which are taken pursuant to Parts 2 (commencing with Section 56130), 3 (commencing with Section 56210) and 4 (commencing with Section 56250) of this division.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56063. Principal act

"Principal act" means, in the case of a district, the law under which the district was formed and, in the case of a city, the general laws or a charter, as the case may be.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56064. Principal county

"Principal county" shall have the meaning contained in any definition of "principal county," as set forth in the principal act. If the principal act shall have no such definition or if there is any inconsistency between the definitions contained in two or more applicable principal acts, "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization is proposed.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56065. Proceeding; proceeding for a change of organization

"Proceeding" or "proceeding for a change of organization" means a proceeding for a change of organization pursuant to Part 5 (commencing with Section 56290) of this division.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56066. Proposal

"Proposal" means a request or statement of intention made by petition or by resolution of application of a legislative body proposing proceedings for the change of organization or reorganization described therein.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56067. Registered voter

"Registered voter" means any elector registered under and pursuant to the Elections Code.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

Cross References

Voter defined, see Elections Code, sec. 21.

56068. Reorganization

"Reorganization" means:

(a) Two or more changes of organization proposed *in a single proposal* for any single subject district; or

(b) One or more changes of organization proposed *in a single proposal* for:

(1) 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

(2) Any single 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.

(Amended by Stats. 1981, c. 961)

56069. Resident-voter

"Resident voter" means any registered voter entitled to vote in a city or a resident-voter district.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

Cross References

Voter defined, see sec. 56075; Elections Code, sec. 56069.

56070. Resident-voter district

"Resident-voter district" means a district whose principal act provides that registered voters residing within the district are entitled to vote for the election of district officers, incurring of bonded indebtedness, or any other district matter.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56071. Special assessment district

"Special assessment district" means an area fixed, established and formed by a city, county, district or the state, pursuant to general law, special act or charter, such area being specially benefited by and assessed or to be assessed to pay the costs and expenses of acquiring any lands or rights-of-way, acquiring or constructing any public improvements, maintaining or operating any public improvement or lighting any public street, highway or place.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56072. Subject district

"Subject district" means each district or city for which a change of organization is proposed or provided in a reorganization or plan of reorganization.

(Added Stats. 1965, c. 2043, p. 4682, sec. 2.)

56072.1 Repealed by Stats. 1972, c. 340, p. 639, sec. 3.

56073. Subsidiary district

"Subsidiary district" means a district of limited powers in which the city council of a city shall be designated as, and empowered to act as, ex officio the board of directors of such district.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

56074. Uninhabited territory

"Uninhabited territory" means territory within which there reside less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings.

(Amended Stats. 1967, c. 920, p. 2380, sec. 31.)

56075. Voter

"Voter" means a landowner-voter, a resident-voter or a registered voter, as the case may be.

(Added Stats. 1965, c. 2043, p. 5683, sec. 2.)

Cross References

Voter defined, see Elections Code sec. 56075.

Chapter 3

NOTICE

Section

56080. Person authorized to give notice; contents; method of giving.

56081. Law applicable.

56082. Clerk or executive officer to give notice.

56083. Publication.

56084. Publication; time.

56085. Posting; place.

56086. Posting; time.

56087. Mailing; method.

56088. Mailing; notice of hearing; time.

56089. Mailing; address.

(Chapter 3 added by Stats. 1965, c. 2043, p. 4683, sec. 2.)

56080. Person authorized to give notice; contents; method of giving

Notice authorized or required to be given by publication, posting or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause a copy of such ordinance, resolution or order to be published, posted or mailed, in which case no other notice need be given by the clerk or executive officer.

(Amended by Stats. 1971, c. 1493, p. 2945, sec. 1; Stats. 1972, c. 340, p.639, sec. 3.5.)

56081. Law applicable

Unless the provision or context otherwise requires, whenever any provision of this division requires notice to be published, posted or mailed, it shall be published, posted or mailed as provided in this chapter.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

56082. Clerk or executive officer to give notice

Whenever any notice is required to be given and the duty of giving such notice is not specifically enjoined upon some officer, agency or person, the clerk or executive officer, as the case may be, shall give notice or cause the same to be given.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

56083. Publication

Notice required to be published shall be published pursuant to Section 6066 in one or more newspapers of general circulation within each affected county, city and district. If any newspaper shall be of general circulation in two or more affected cities or districts, publication in said newspaper shall be sufficient publication for all such affected cities or districts. If there shall be two or more affected counties, publication shall be made in at least one newspaper of general circulation in each such county.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56264.
Consolidation, see sec. 56381.
Disapproval or reference to committee of permissive petition or application, see sec. 56213.
Dissolution, see sec. 56361.
Mergers and establishment of subsidiary districts, see sec. 56411.
Newspaper of general circulation defined, see sec. 6000.
Notice of hearing on annexations and detachments, see sec. 56311.
Notice of hearing on reorganization, see sec. 56431.

56084. Publication; time.

If published notice shall be a notice of hearing, publication thereof shall be commenced at least 15 days prior to the date specified therein for hearing.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56264.
Consolidation, see sec. 56381.
Disapproval or reference to committee of permissive petition or application, see sec. 56213.
Dissolution, see sec. 56361.
Mergers and establishment of subsidiary districts, see sec. 56411.
Notice of hearing on annexations and detachments, see sec. 56311.
Notice of hearing on reorganization, see sec. 56431.

56085. Posting; place

Notice required to be posted shall be posted on or near the doors of the meeting room of the legislative body or commission or upon any official bulletin board customarily used for the purpose of posting public notices by or pertaining to the legislative body or commission.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56264.
Consolidation, see sec. 56381.
Disapproval or reference to committee of permissive petition or application, see sec. 56213.
Dissolution, see sec. 56361.
Mergers and establishment of subsidiary districts, see sec. 56411.
Notice of hearing on annexations and detachments, see sec. 56311.
Notice of hearing on reorganization, see sec. 56431.

56086. Posting; time

Posted notice shall remain posted for not less than five days. If posted notice shall be notice of a hearing, posting shall be commenced at least 15 days prior to the date specified therein for hearing and shall continue to the time of the hearing.

(Added Stats. 1965, c. 2043, p. 4683, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56264.
Consolidation, see sec. 56381.
Disapproval or reference to committee of permissive petition or application, see sec. 56213.
Dissolution, see sec. 56361.
Mergers and establishment of subsidiary districts, see sec. 56411.
Notice of hearing on annexations and detachments, see sec. 56311.
Notice of hearing on reorganization, see sec. 56431.

56087. Mailing; method

Mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

(Added Stats. 1965, c. 2043, p. 4684, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56265.
Consolidation, see sec. 56382.
Disapproval or reference to committee of permissive petition or application, mailing, see sec. 56214.
Dissolution, see sec. 56362.
Mergers and establishment of subsidiary districts, see sec. 56412.
Notice of hearing on annexations and detachments, see sec. 56312.
Notice of hearing on reorganization, see sec. 56432.

56088. Mailing; notice of hearing; time

If mailed notice shall be a notice of hearing, mailing thereof shall be made at least 15 days prior to the date specified therein for hearing.

(Added Stats. 1965, c. 2043, p. 4684, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56265.
Consolidation, see sec. 56382.
Disapproval or reference to committee of permissive petition or application, mailing, see sec. 56214.
Dissolution, see sec. 56362.
Mergers and establishment of subsidiary districts, see sec. 56412.
Notice of hearing on annexations and detachments, see sec. 56312.
Notice of hearing on reorganization, see sec. 56432.

56089. Mailing; address

When mailed notice is required to be given to:

(a) A county, city or district, it shall be addressed to the clerk thereof;

(b) A conducting district, it shall be given by registered or certified mail, return receipt requested, and shall be addressed to the clerk thereof at the mailing address of the legislative body of such district as specified in the filing made pursuant to Section 53051;

(c) A commission, it shall be addressed to the executive officer thereof;

(d) Chief petitioners, it shall be addressed to the persons so designated in the petition at the address specified therein;

(e) Landowners, it shall be addressed to each person to whom land is assessed, as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll;

(f) Persons requesting special notice, it shall be addressed to each person who shall have filed a written request for special notice with the executive officer or clerk, at the mailing address specified in the request.

(Added Stats. 1965, c. 2043, p. 4684, sec. 2.)

Cross References

Approval or disapproval of proposal, see sec. 56265.
Consolidation, see sec. 56382.
Disapproval or reference to committee of permissive petition or application, mailing, see sec. 56214.
Dissolution, see sec. 56362.
Mergers and establishment of subsidiary districts, see sec. 56412.
Notice of hearing on annexations and detachments, see sec. 56312; on reorganization, see sec. 56432.

Chapter 4

ELECTIONS

Section

56100. Special elections; laws governing.

56101. Special elections in landowner-voter districts; laws governing.

56102. Special election; construction of references in principal act to clerk, secretary or directors.

56103. Special election in landowner-voter district and city or resident-voter district; law governing.

56104. Overlapping territory; precincts, etc.

56105. Records of city or district required for special election; delivery and return.

56106. Resolution subject to confirmation; contents.

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56109. Terms and conditions; increasing liability; summary.

56109.1 Indication of effect upon governmental or proprietary service or or commodity.

56110. Ballot; voting squares.

56111. Ballot; questions of merger and establishment of subsidiary district.

56112. Consolidated or new district; election of officers or members; law governing.

56113. Ballots; number to each voter; question of annexation, detachment, dissolution or consolidation.

56114. Ballots; number to each voter; question of merger or establishing subsidiary district.

56115. Ballots; number to each voter; question of reorganization.

56116. Ballots; reorganization; major district overlapping one or more minor districts.

56117. Ballots; landowner-voter.

56118. Votes of landowner-voters; computation and equation with those of registered voters.

**56119. Notice of election call to local agency formation commission; contents; preparation of impartial analysis.

56120. Filing written arguments.

56121. More than one argument for or against filed; selection of one by election officials.

56122. Ballot pamphlet.

(Chapter 4 added by Stats. 1965, c. 2043, p. 4684, sec. 2.)

**Section amended

56100. Special elections; laws governing

Special elections called within all or any part of a city or resident-voter district shall be governed by the general elections provisions and the local election provisions of the Elections Code (so far as they may be applicable) relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns and all other particulars. To the extent of any inconsistency:

(a) Between the general elections provisions and the local elections provisions of the Elections Code, local elections provisions shall control; and

(b) Between the provisions of this division, and the Elections Code, the provisions of this division shall control.

(Added Stats. 1965, c. 2043, p. 4684, sec. 2.)

Cross References

Application of section to special election in landowner-voter district and city or resident-voter district, see sec. 56103

56101. Special elections in landowner-voter district; laws governing

Special elections called within all or any part of a landowner-voter district shall be governed by the general elections provisions of the principal act (so far as they may be applicable) relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns and all other particulars. To the extent of any inconsistency between the provisions of this division and such principal act, the provisions of this division shall control.

(Added Stats. 1965, c. 2043, p. 4684, sec. 2.)

56102. Special election; construction of references in principal act to clerk, secretary or directors

If the board of supervisors shall call any special election within all or any part of any district, any references in the principal act to the board of directors of the district and to the clerk or secretary of the district shall be deemed to mean the board of supervisors and the clerk of the county, respectively.

(Added Stats. 1965, c. 2043, p. 4685, sec. 2.)

56103. Special election in landowner-voter district and city or resident-voter district; law governing

If special elections shall be called upon the same question or questions within all or any part of (i) any landowner-voter district, and (ii) any city or resident-voter district, the provisions of Section 56100 shall apply, except that, as to such landowner-voter district, the provisions of its principal act shall govern the qualifications of landowner-voters, the number of votes which each landowner-voter is entitled to cast, the manner of voting and the form of the ballot.

(Added Stats. 1965, c. 2043, p. 4685, sec. 2.)

56104. Overlapping territory; precincts, etc.

Where any special election or elections are called upon the question of confirmation of an order for a reorganization and the areas within which such election or elections are called contain overlapping territory of two or more cities or districts, within all such overlapping territory the election precincts, polling places, voting booths and ballot boxes shall, in every case, be the same and there shall be only one precinct board or set of election officers for each precinct.

(Added Stats. 1965, c. 2043, p. 4685, sec. 2.)

56105. Records of city or district required for special election; delivery and return

Where any records of a city or a district shall be required for the purpose of calling, holding or conducting any special election called by the board of supervisors pursuant to this division, such records or certified copies thereof shall be delivered, upon request, to the board of supervisors or the clerk of the county by the city or district officer having custody thereof and shall be returned to such officer immediately after the canvass of the election returns. All other election records, documents, instruments and election supplies, including, but not limited to, rosters, ballots, and tally sheets, shall be retained or disposed of by the clerk of the county in the manner provided by law.

(Added Stats. 1965, c. 2043, p. 4685, sec. 2.)

56106. Resolution subject to confirmation; contents

Any resolution ordering a change of organization or a reorganization subject to confirmation by the voters upon the question thereof shall:

(a) Call, provide for and give notice of a special election or elections upon such question;

(b) Designate each district, city or other territory within which such special election or elections are to be held;

(c) Fix a date of election, which date shall be the same where a special election is called upon the same question within the territory of more than one city or district;

(d) Provide for the question or questions to be submitted to the voters;

(e) Specify any terms and conditions provided for in the change of organization or reorganization;

(f) State the vote required for confirmation of the change of organization or reorganization; and

(g) Contain such other matters as may be necessary to call, provide for and give notice of such special election or elections and to provide for the conduct thereof and the canvass of the returns thereupon.

(Added Stats. 1965, c. 2043, p. 4685, sec. 2.)

56107. Form of questions

The question or questions to be submitted at any special election or elections called pursuant to this division shall be in substantially the following form:

(a) For an annexation:

"Shall the order adopted on ....., 19... by the Board of Directors of the .....District ordering the annexation to said district of the territory described in said order and designated therein as (insert the distinctive short form designation theretofore assigned by the commission) be confirmed?"

(b) For a detachment:

"Shall the order adopted on ....., 19... by the Board of Directors of the .....District ordering the detachment from said district of the territory described in said order and designated therein as (insert the distinctive short form designation theretofore assigned by the commission) be confirmed?"

(c) For a dissolution:

"Shall the order adopted on ....., 19... by the Board of Supervisors of the County of .....ordering the dissolution of the ..... District be confirmed?"

(d) For a consolidation:

"Shall the order adopted on ....., 19... by the Board of Supervisors of the County of ..... ordering the consolidation of (insert the names of all districts ordered consolidated) into a single district known as the ..... District be confirmed?"

(e) For a merger:

"Shall the order adopted on ....., 19... by the Board of Supervisors of the County of .....ordering the merger of the .....District with the City of ..... be confirmed?"

(f) For establishment of a subsidiary district:

"Shall the order adopted on ....., 19... by the Board of Supervisors of the County of .....ordering the .....District established as a subsidiary district of the City of.....be confirmed?"

(g) For a reorganization:

"Shall the order adopted on ....., 19... by the Board of Supervisors of the County of ..... ordering a reorganization affecting the (insert the names of all subject districts; if a new district or districts have been ordered formed, also insert 'and ordering the formation of a new district (or districts) under the provisions of the (identify principal act)') be confirmed?"

(Added Stats. 1965, c. 2043, p. 4686, sec. 2.)

56108. Terms and conditions, reference in statement of question

If the change of organization or reorganization shall have been ordered subject to any terms and conditions, there shall be added to the end of the questions set forth in Section 56107 words substantially as follows:

> "Subject to the terms and conditions specified in said order."

(Added Stats. 1965, c. 2043, p. 4686, sec. 2.)

56109. Terms and conditions; increasing liability; summary

If any of the terms and conditions shall have the effect of imposing or increasing liability for payment of (i) taxes or assessments to be levied and collected, (ii) service charges, rentals or rates to be fixed and collected, or (iii) both, upon or within all or any part of the territory affected by the proposed change of organization or reorganization, the question shall contain a very brief summary of the purpose, nature and extent of the liability and shall refer to the order ordering the change of organization or reorganization for particulars. In the discretion of the legislative body, the question may contain a summary of any other of the terms and conditions. No reference need be made to any liability for payment of (i) annual taxes or assessments, (ii) ordinary service charges, rentals or rates, or (iii) both, to be imposed for the usual and ordinary support, management and operation of any district.

Where a summary is included in a question, there shall be added to the clause set forth in Section 56108 words substantially as follows:

> "Such terms and conditions including (set forth very brief summary), all as more particularly described and set forth in said order."

(Added Stats. 1965, c. 2043, p. 4687, sec. 2.)

56109.1 Indication of effect upon governmental or proprietary service or commodity

This section shall apply only to change of organization and reorganizations made by or with respect to a member district. If a change of organization or reorganization adding territory to a member district will not result in such additional territory being entitled to receive or be furnished with any new or additional governmental or proprietary service or commodity by the parent district, the question submitted to the voters shall so indicate. If a change of organization or a reorganization removing territory from a member district will result in the termination of any existing entitlement of said territory to receive or be furnished with any governmental or proprietary service or commodity from the parent district, the question submitted to the voters shall so indicate.

(Added Stats. 1965, c. 2043, p. 4687, sec. 2.)

56110. Ballot; voting squares

On the ballot opposite each question and to its right, the words "Yes" and "No" shall be printed on separate lines with voting squares.

(Added Stats. 1965, c. 2043, p. 4687, sec. 2.)

56111. Ballot; questions of merger and establishment of subsidiary district

If the board of supervisors shall order both a merger and the establishment of a subsidiary district, questions on each such matter shall be printed on the ballot, one above the other. Immediately preceding the first question there shall be printed in heavy faced gothic type not smaller than 10 point, the words "vote on both questions."

(Added Stats. 1965, c. 2043, p. 4687, sec. 2.)

56112. Consolidated or new district; election of officers or members; law governing

If a special election or elections shall be called (i) upon an order of reorganization which provides for a consolidation or the formation of a new district, or both, or (ii) upon an order of consolidation, members of the legislative body and other officers of the consolidated district or the new district, as the case may be, shall be selected in the manner provided by the principal act. If the principal act or the terms and conditions of such reorganization or consolidation provide for the election of such officers or members, they shall be nominated in the manner provided in the principal act and shall be voted upon at the special election or elections upon the question of confirming said order of reorganization or consolidation. If the order of reorganization or consolidation is confirmed at said special election or elections, the officers or members of the legislative body of the consolidated district or the new district, as the case may be, who are elected at said election or elections shall thereupon become the officers or members of the legislative body of such consolidated district or new district.

(Added Stats.1965, c. 2043, p. 4687, sec. 2.)

56113. Ballots; number to each voter; question of annexation, detachment, dissolution or consolidation

Where a special election is called upon the question of confirming an order of annexation, detachment, dissolution or consolidation, each person entitled to vote as a result of residing or owning land within the territory in which said election is called shall be entitled to ballots and votes as follows:

(a) In the case of resident-voter districts, to one ballot and one vote, and

(b) In the case of landowner-voter districts, to the number of ballots and votes authorized by the principal act of said district.

(Added Stats. 1965, c. 2043, p. 4688, sec. 2.)

56114. Ballots; number to each voter; question of merger or establishing subsidiary district

Where a special election or elections are called upon the question of confirming an order for a merger or the establishment of a subsidiary district, or both, each person entitled to vote as a result of residing or owning land within the territory within which said election is called shall be entitled to ballots and votes as follows:

(a) Where the election is called only within the district,

(1) In the case of a resident-voter district, each resident-voter shall be entitled to one ballot and one vote, and

(2) In the case of a landowner-voter district, each landowner-voter shall be entitled to the number of ballots and votes authorized by the principal act of said district.

(b) Where one election is called within the district and another election is called within the territory of the city outside the boundaries of said district,

(1) In the case of the city, each registered voter within the territory of the city outside the boundaries of the district shall be entitled to one city ballot and one vote thereon;

(2) In the case of the district, each person entitled to vote as a result of residing or owning land within the district shall be entitled to the number of district ballots and votes authorized by the principal act of such district.

Where elections are called both within the district and the territory of the city outside the boundaries of the district, separate forms of city and district ballots, printed on different colors of paper, shall be provided. Such city and district ballots shall be separately canvassed.

(Added Stats. 1965, c. 2043, p. 4688, sec. 2.)

56115. Ballots; number to each voter; question of reorganization

Where a special election is called upon the question of confirming an order of reorganization, each person entitled to vote as a result of residing or owning land within the territory within which said election is called shall be entitled to ballots and votes as follows:

(a) Each such person who qualifies only as a resident-voter of any city or resident-voter district, regardless of the number thereof, shall be entitled to one ballot and one vote;

(b) Each such person who qualifies only as a landowner-voter of any subject district, regardless of the number thereof, shall be entitled to the number of ballots and votes authorized by the principal act for one such district; if there be more than one such district, such person upon declaration made to the precinct or election officers shall be furnished with a ballot or ballots for the particular district designated by such person;

(c) Each such person who qualifies both as a resident-voter and as a landowner-voter of any of the subject districts, may at his option vote either as a resident-voter or as a landowner-voter, but not both; such person upon declaration made to the precinct or election officers shall be furnished with a ballot or ballots for the particular city or district designated by such person.

(Added Stats. 1965, c.2043, p. 4688, sec. 2.)

56116. Ballots; reorganization; major district overlapping one or more minor districts

Where a special election has been called upon the question of confirming an order of reorganization and one of the subject districts constitutes a major district having territory overlapping one or more minor districts, different colors of ballots shall be provided for said major and minor districts. Any person entitled to vote at said election as a result of residing or owning land within such major district (including all overlapping territory of any minor district) shall be furnished with a ballot of the color provided for the major district; such ballot, after marking, shall be placed in the ballot box for the major district and, upon canvass, shall be counted as a vote cast within the major district. All other persons entitled to vote at said election shall be furnished with a ballot of the color provided for a minor district or districts; such ballots, after marking shall be placed in the ballot box for the minor district or districts and, upon canvass, shall be counted as votes cast within such minor district or districts.

(Added Stats. 1965, c. 2043, p. 4689, sec. 2.)

56117. Ballots; landowner-voter

Where a special election has been called upon the question of confirming an order of reorganization, a landowner-voter shall be given two ballots or sets of ballots when all of the following conditions exist: (i) the result of such election is to be determined by the respective votes cast within a major district and the combined votes cast within all minor districts, (ii) where the territory of a landowner-voter district overlaps the territory of a city or resident-voter district, and (iii) where, pursuant to subdivision (c) of Section 56115 a person has elected to vote as a landowner-voter and is entitled to vote with respect to lands located both inside and outside such overlapping territory.

One ballot or set of ballots shall represent only those votes which the landowner-voter is entitled to cast by reason of owning land located inside the overlapping territory; any such ballots, after marking, shall be placed in the ballot box for the major district. A second ballot or set of ballots shall represent only those votes which the landowner-voter is entitled to cast by reason of owning land located outside the overlapping territory; any such ballots, after marking, shall be placed in a separate ballot box for the minor districts.

(Added Stats. 1965, c. 2043, p. 4689, sec. 2.)

56118. Votes of landowner-voters; computation and equation with those of registered voters

In any special election or elections called upon the question of confirmation of an order for merger or the establishment of a subsidiary district or for a reorganization, where the results of such election or elections must be determined from votes of both landowner-voters and registered voters, the votes of such landowner-voters shall be computed and equated with the votes of said registered voters in the following manner:

First, the per capita assessed value of land for each registered voter within the county within which said elections are held shall be determined to the nearest even dollar by dividing the total assessed value of land within such county, as shown on the last equalized assessment roll of such county, by the total number of voters who were registered in such county at the close of registration, as provided in the Elections Code, next preceding the date of such election. If any landowner-voter district shall be located in more than one county, the per capita assessed value for each county shall be multiplied by a percentage, to the nearest one-tenth of one percent, such percentage being determined by dividing the total area of the district into the area of those portions of the district located within that county; the resulting products of such multiplications shall then be added and the total, to the nearest even dollar, shall be deemed to be the per capita assessed value for all such counties.

Second, if any such landowner-voter district does not use the county assessment roll for the purposes of levying and collecting district assessments or taxes, the per capita assessed value of land for each registered voter within the county shall be corrected by multiplying such per capita assessed value by a correction factor determined as follows: The total assessed valuation of all lands within the district, as the same is shown upon the last equalized assessment roll or book of the district, shall be divided by the corresponding total assessed valuation of all lands within the district, as the same is shown upon the last equalized assessment roll of the county, and the quotient, expressed to the nearest of two decimal places, shall represent the correction factor. If any landowner-voter district shall be located in more than one county, a correction factor shall be determined, in the manner above provided, for

each such county covering all those portions of the district which shall be located therein; the correction factor for each county shall then be multiplied by a percentage, to the nearest one-tenth of one percent, such percentage being determined by dividing the total area of the district into the area of those portions of the district located within that county; the resulting products of such multiplications shall then be added and the total, to the nearest of two decimal places, shall be deemed to be the correction factor for all such counties.

Third, such corrected per capita assessed value, determined to the nearest even dollar, shall then be adjusted by dividing it by the number of dollars required for a single vote by a landowner-voter, as specified in the principal act determining such landowner-voter's right to vote.

Fourth, the total numbers of votes cast by landowner-voters for and against the question shall be divided by said corrected and adjusted per capita assessed value and the quotients, to the nearest whole figures, shall be deemed to be the number of votes of landowner-voters which shall be equated with the votes of the registered voters of any city or resident-voter district, cast for and against said question.

(Added Stats. 1965, c. 2043, p. 4690, sec. 2.)

56119. Notice of election call to local agency formation commission; contents; preparation of impartial analysis

Within five days after an election is called pursuant to this division, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the district is located. Such written notice shall include a description of the territory affected by the election and may be made in the form of a certified copy of the resolution adopted by the legislative body calling the election.

The executive officer shall prepare an impartial analysis of each question submitted at the election and submit it to the commission in sufficient time for the commission to consider the analysis, approve or modify it, and submit it to the officials conducting the election in the time prescribed.

The impartial analysis shall not exceed 500 words in length and shall include a general description of the affected territory which the question to be voted on involves.

The local agency formation commission shall approve or modify the executive officer's analysis and submit it to the officials in charge of conducting the election not less than 54 days prior to the date of the election.

(Added Stats. 1970, c. 736, p. 1375, sec. 30; amended Stats. 1974, c. 127, urgency, eff. April 2, 1974.)

56120. Filing written arguments

The board of directors of the district or any member or members of the board authorized by the board, or any individual voter, or bona fide association of citizens entitled to vote on the question, or any combination of such voters or association of voters may file a written argument for or a written argument against the question to be submitted to the electors of the district.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the election.

(Added Stats. 1970, c. 736, p.1376, sec. 31.)

56121. More than one argument for or against filed; selection of one by election officials

If more than one argument for or more than one argument against the question to be voted on is filed with the officials in charge of conducting the election within the time prescribed, such officials shall select one of the arguments for printing and distribution to the voters. In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of directors of the district or any member or members of the board authorized by the board.

(b) Individual voters or bona fide association of citizens or a combination of voters and associations.

(Added Stats. 1970, c. 736, p. 1376, sec. 32.)

56122. Ballot pamphlet

The election officials shall cause a ballot pamphlet concerning the proposed questions to be voted on to be printed and mailed to each voter entitled to vote on the question.

The ballot pamphlet shall contain for each question to be voted on the following in the order prescribed:

(a) The complete text of the question to be voted on.

(b) The impartial analysis of the question prepared by the local agency formation commission.

(c) The argument for the question.

(d) The argument against the question.

The election officials shall mail a ballot pamphlet to each voter entitled to vote on the question at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

(Added Stats. 1970, c. 736, p. 1376, sec. 33.)

Part 2

INITIATION OF CHANGES OF ORGANIZATION AND REORGANIZATIONS

Chapter		Section
1.	General	56130
2.	Initiation by Petition	56140
3.	Initiation by Application of a Legislative Body	56195

Part 2 was added by Stats. 1965, c. 2043, p. 4691, sec. 2.

Chapter 1

GENERAL

Section

56130. Methods.

56131. Repealed.

56132. Filing fees.

56133. Processing fees.

56134. Authority to pay fees.

(Chapter 1 was added by Stats. 1965, c. 2043, p. 4691, sec. 2.)

Cross References

Proceedings under this part as preliminary proceedings, see sec. 56062.

56130. Methods

Preliminary proceedings may be initiated by proposals made by petition or by application of the legislative body of any affected county, city or district. All such preliminary proceedings shall be initiated in accordance with this part.

(Added Stats. 1965, c. 2043, p. 4691, sec. 2.)

Cross References

Application of legislative body, initiation by, see sec. 56195 et seq.

Petition, initiation by, see sec. 56140 et seq.

56131. Repealed. Stats. 1965, c. 2045, sec. 24.5.

56132. Filing fees

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.

(Amended Stats. 1970, c. 1249, p. 2254, sec. 6.)

56133. Processing fees

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.

(Amended by Stats. 1970, c. 1249, p. 2254, sec. 7.)

56134. Repealed. Stats. 1970, c. 1249, p. 2254, sec. 8.

Chapter 2

INITIATION BY PETITION

Article		Section
1.	Form of Petition	56140
2.	Filing and Certification of Petition	56150
3.	Signature Requirements for Petitions in Resident-Voter Districts	56170
4.	Signature Requirements for Petitions in Landowner-Voter Districts	56180
5.	Signature Requirements for Petitions for Reorganization	56190

(Chapter 2 was added by Stats. 1965, c. 2043, p. 4692, sec. 2.)

Article 1

FORM OF PETITION

Section	
56140.	Contents.
**56141.	Proposed name for district or city.
56142.	Chief petitioners.
56143.	Number of documents.
56144.	Date and signature.
56145.	Resident-voter, additional information.
56146.	Landowner-voter, additional information.

(Article 1 added by Stats. 1965, c. 2043)

Cross References

Methods of initiation, see sec. 56130.

**Amended by Stats. 1981

56140. Contents

A proposal may be made by petition. Any such petition shall contain substantially the following:

(a) State that the proposal is made pursuant to this division.

(b) State the nature of each proposed change of organization and the name or names of all districts and cities for which any such change of organization is proposed.

(c) If any proposed change of organization is for any annexation or detachment, state whether the territory proposed to be annexed or detached is inhabited or uninhabited and set forth a description of the exterior boundaries of such territory.

(d) If the proposal is for a reorganization and requests the formation of a new district or districts, designate the principal act or acts under which said district or districts are proposed to be formed and set forth a description of the exterior boundaries of the territory proposed to be included therein.

(e) Set forth any proposed terms and conditions to which the proposed change of organization or reorganization is desired to be subject.

(f) State the reason or reasons for the proposal.

(g) State, or indicate opposite each signature, whether the signers of the petition are resident-voters, landowner-voters or landowners.

(h) Request that proceedings be taken for the change of organization or reorganization proposed therein.

(Amended Stats. 1967, c. 920, p. 2380. sec. 33.)

56141. Proposed name for district or city

If a petition is for a consolidation, or for the formation of a new district as part of a reorganization, the petition may propose a name for the consolidated or new district.

If a petition is for a district reorganization which includes as part thereof a municipal incorporation, the petition may state the name of the new city. The proposed name of the new city may contain the word "town."

(Amended by Stats. 1981, c. 961)

56142. Chief petitioners

A petition may designate not to exceed three persons as chief petitioners, setting forth their names and mailing addresses.

(Added Stats. 1965, c. 2043, p. 4692, sec. 2.)

56143. Number of documents

A petition may consist of a single instrument or separate counterparts.

(Added Stats. 1965, c. 2043, p. 4692, sec. 2.)

56144. Date and signature

Each signer of a petition shall add to his signature the date of signing.

(Added Stats. 1965, c. 2043, p. 4692, sec. 2.)

56145. Resident-voter, additional information

If the signer is signing the petition as a resident-voter, he shall add to his signature his place of residence, giving street and number or a designation sufficient to enable the place of residence to be readily ascertained. Prior to filing such petition shall have designated on it the name or number of the election precinct in which each such signer resides.

(Added Stats. 1965, c. 2043, p. 4692, sec. 2.)

Cross References

Resident voter defined, see sec. 56069.

56146. Landowner-voter, additional information

If the signer is signing the petition as a landowner-voter, the name of the county or district whose assessment roll or book is used for the purpose of determining such signer's right to vote shall be stated in the body of the petition or indicated opposite his signature.

(Added Stats. 1965, c. 2043, p. 4693, sec. 2.)

Cross References

Landowner voter defined, see sec. 56047.

Article 2

FILING AND CERTIFICATION OF PETITION

Section

56150. Signatures; time limit.

56151. Filing.

56152. Examination; certificate of result.

56153. Insufficient signatures; supplemental petition; time limit.

56154. Examination of supplemental petition; certificate of result.

56155. Contents of certificate.

56156. Insufficient petition; filing.

**56157. Sufficient petition; notice.

56158. Signatures; comparison with voters' register.

56159. Signatures; comparison with last equalized assessment roll.

56160. Public agency as landowner-voter.

56161. Signatures; persons not on assessment roll but entitled to rights of landowner-voters.

56162. Signature; co-owner.

(Article 2 added by Stats. 1965, c. 2043)

**Section amended by Stats. 1981

56150. Signatures; time limit

No petition shall be accepted for filing unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted to the executive officer for filing within 60 days after the last signature is affixed. If the elapsed time between the date on which the last signature is affixed and the date on which the petition is submitted for filing is more than 60 days, the executive officer shall file such petition in accordance with Section 56156.

(Amended Stats. 1967, c. 920, p. 2380, sec. 33.5.)

56151. Filing

All petitions shall be filed with the executive officer of the principal county. All counterparts of a petition, or of any supplemental petition, shall be filed at the same time.

(Added Stats. 1965, c. 2043, p. 4693, sec. 2.)

Cross References

Executive officer defined, see sec. 56041.

Principal county defined, see sec. 56064.

56152. Examination; certificate of result

Within 10 days after the date of filing of a petition, the executive officer shall examine the petition and determine whether it is signed by the requisite number of signers. When the executive officer has completed his examination, he shall attach his certificate to the petition showing the result of his examination.

(Added Stats. 1965, c. 2043, p. 4693, sec. 2.)

56153. Insufficient signatures; supplemental petition; time limit

If the certificate of the executive officer shows the petition has not been signed by the requisite number of signers, he shall certify the petition to be insufficient and shall give mailed notice thereof to the chief petitioners, if any. Within 10 days after the date of a certificate of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

(Amended Stats. 1967, c. 920, p. 2381, sec. 34; Stats. 1971, c. 176, p. 243, sec. 2.)

56154. Examination of supplemental petition; certificate of result

Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the same and attach his certificate showing the result of his examination.

(Added Stats. 1965, c. 2043, p. 4693, sec. 2.)

56155. Contents of certificate

Each certificate of the executive officer shall be signed and dated. Such certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination.

(Amended Stats. 1969, c. 1301, p. 2544, sec. 12.)

56156. Insufficient petition; filing

If the petition, including any supplemental petition, shall be certified to be insufficient, it shall be filed with the executive officer as a public record, without prejudice to the filing of a new petition.

(Amended Stats. 1967, c. 920, p. 2381, sec. 35; Stats. 1969, c. 1301, p. 2544, sec. 13.)

56157. Sufficient petition; notice

Except when a commission is the lead agency pursuant to Section 21067 of the Public Resources Code, the executive officer shall determine within 30 days of receiving a petition whether such petition is complete and acceptable for filing or incomplete. An application shall be deemed accepted for filing if no determination has been made by the executive officer within the 30-day period. If the petition, including any supplemental petition, shall be certified to be sufficient, and contains all the information and data required pursuant to Section 56140 and is in the form prescribed by the commission, the executive officer shall accept the proposal for filing. When the executive officer accepts a proposal for filing *** *the executive officer* shall immediately issue a certificate of filing to the chief petitioners, if any. A certificate of filing shall be in the form prescribed by the executive officer and shall give notice of the sufficiency of the petition ***. Following issuance of the certificate of filing the executive officer shall proceed to set the proposal for hearing and give notice thereof in the manner provided in Part 4 (commencing with Section 56250) ***. In the event that a petition is determined not to be complete, the executive officer shall immediately transmit such determination to the chief petitioner or petitioners specifying those parts of the petition which are incomplete and the manner in which they can be made complete.

(Amended by Stats. 1981, c. 961)

56157. Sufficient petition; setting for hearing; notice

If the petition, including any supplemental petition, shall be certified to be sufficient, and contains all the information and data required pursuant to Section 56140 and is in the form prescribed by the commission, the executive officer shall accept the proposal for filing. When the executive officer accepts a proposal for filing, he shall issue a "certificate of filing" to the chief petitioners, if any. A certificate of filing shall be in the form prescribed by the executive officer and the date the proposal shall be heard by the commission. Following issuance of the certificate of filing the executive officer shall proceed to set the proposal for hearing and give notice thereof in the manner provided in Part 4 (commencing with Section 56250) of this division.

(Amended by Stats. 1975, c. 861)

Cross References

Hearing on permissive petition or application, setting date, time and place, see Sec. 56263
Notice, methods of giving, see Sec. 56083-56086, 56264, 56265
Notice of filing, see Sec. 56261
Order for hearing on permissive petition or resolution, see Sec. 56262
Setting mandatory petition or resolution for hearing, see Sec. 56262

56158. Signatures; comparison with voters' register

If a petition is required to be signed by resident-voters, the executive officer shall compare the names of the signers on the petition against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon said petition.

(Added Stats. 1965, c. 2043, p. 4694, sec. 2.)

Cross References

Application of section in determining sufficiency of petition for election only in district on merger or subsidiary district proposal, see sec. 56418.

Protest against annexation or detachment, see sec. 56318.

Resident voter defined, see sec. 56069.

56159. Signatures; comparison with last equalized assessment roll

If a petition is required to be signed by a landowner or landowner-voter, the executive officer shall compare the names of the signers on the petition against the names of the persons shown as owners of land on the last equalized assessment roll of the county and, to the extent required by any particular provision of this division, ascertain therefrom:

(a) The total number of landowners owning land within the territory which is the subject of the proposed change of organization and the total assessed valuation of all land within such territory.

(b) The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

(Added Stats. 1965, c. 2043, p. 4694, sec. 2.)

Cross References

Application of section in determining sufficiency of petition for election only in district on merger or subsidiary district proposal, see sec. 56418.

Assessment roll in general, see Revenue and Taxation Code, sec. 601 et seq.

Landowner defined, see sec. 56047.

Landowner voter, see sec. 56047.

Protest against annexation or detachment, see sec. 56318.

56160. Public agency as landowner-voter

If a petition is required to be signed by a landowner or a landowner-voter, a public agency owning land within the territory which is the subject of the proposed change of organization shall be deemed a landowner or landowner-voter for the purpose of the signing and certification of such petition. Any such public agency may authorize such petition to be signed for and on its behalf by any duly authorized officer or employee.

(Added Stats. 1965, c. 2043, p. 4694, sec. 2.)

Cross References

Application of section in determining sufficiency of petition for election only in district on merger or subsidiary district proposal, see sec. 56418.

Protest against annexation or detachment, see sec. 56318.

56161. Signatures; persons not on assessment roll but entitled to rights of landowner-voters

In examining any petition required to be signed by a landowner or landowner-voter, the executive officer shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless prior to certification the executive officer shall be furnished with written evidence, satisfactory to him, that such signer: is a legal representative of the owner; is entitled to be shown as owner of land on the next assessment roll; is a purchaser of land under a recorded written agreement of sale; or is authorized to sign for and on behalf of any public agency owning land.

(Added Stats. 1965, c. 2043, p. 4694, sec. 2.)

Cross References

Application of section in determining sufficiency of petition for election only in district on merger or subsidiary district proposal, see sec. 56418.

Protest against annexation or detachment, see sec. 56318.

56162. Signature; co-owner

If any person signing a petition as a landowner or landowner-voter shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common or as husband or wife, the signature of such person shall be counted as if all such owners shown on said roll had signed.

(Added Stats. 1965, c. 2043, p. 4694, sec. 2.)

Cross References

Application of section in determining sufficiency of petition for election only in district on merger or subsidiary district proposal, see sec. 56418.

Assessment roll in general, see Revenue and Taxation Code, sec. 601 et seq.

Protest against annexation or detachment, see sec. 56318.

Article 3

SIGNATURE REQUIREMENTS FOR PETITIONS IN RESIDENT-VOTER DISTRICTS

Section

56170. Annexation or detachment.

56171. Minor boundary change.

**56172. Consolidation.

**56173. Dissolution.

56174. Dissolution for inactivity.

56175. Merger of resident-voter district of limited powers with city or creation of subsidiary district.

(Article 3 added by Stats. 1965, c. 2043)

**Amended by Stats. 1981

56170. Annexation or detachment

Petitions for the annexation or detachment of territory to or from a resident-voter district shall be signed as follows:

(1) By not less than 5 percent of the resident-voters within the territory proposed to be annexed or detached, or

(2) By not less than 5 percent of the number of landowners within the territory proposed to be annexed or detached who also own not less than 5 percent of the assessed value of land within such territory.

(Amended Stats. 1969, c. 1301, p. 2544, sec. 15.)

Cross References

Landowner defined, see sec. 56046.

Resident-voter defined, see sec. 56069.

Resident-voter district defined, see sec. 56070.

56171. Minor boundary change

Petitions for a minor boundary change in a resident-voter district shall be signed by at least one resident-voter or landowner within the territory proposed to be annexed or detached.

(Added Stats. 1965, c. 2043, p. 4695, sec. 2.)

56172. Consolidation

Petitions for the consolidation of two or more *** districts shall be signed by not less than 5 percent of the *** *registered voters* within each of the several districts.

(Amended by Stats. 1981, c. 961)

56173. Dissolution

Petitions for the dissolution of a *** district shall be signed as follows:

(1) By not less than 5 percent of the *** *registered voters* within the district, or

(2) By not less than 5 percent of the number of landowners within the district who also own not less than 5 percent of the assessed value of land within the district.

(Amended by Stats. 1981, c. 961)

56174. Dissolution for inactivity

Notwithstanding the provisions of Section 56173, a petition for the dissolution of a resident-voter district, signed by three or more resident-voters within the district or by three or more landowners within a landowner-voter district, shall be deemed to be a sufficient petition, if, in addition to the matters required by Section 56140, such petition shall recite that the district has been in existence for at least three years and shall state, on information and belief, that there has been nonuser of the corporate powers of such district and that one or more of the following conditions have existed or now exist:

(a) That during the three-year period preceding the date of the first signature upon the petition:

(1) There has not been a duly selected and acting quorum of the board of directors of the district;

(2) The board of directors has failed to furnish or provide services or facilities of substantial benefit to residents, landowners or property within the district; or

(3) The board of directors has failed to levy or fix and collect any taxes, assessments, service charges, rentals or rates or to expend the proceeds thereof for district purposes.

(b) That during the one-year period preceding the date of the first signature upon the petition a quorum of the duly selected and acting board of directors has failed or refused to meet for the purpose of transacting district business.

(c) That, upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investments or deposits.

(Amended Stats. 1967, c. 920, p. 2381, sec. 35.5; Stats. 1969, c. 1301, p. 2545, sec. 18.)

Cross References

Application of section to landowner-voter districts, see sec. 56184.

Findings of non-user of corporate powers, see sec. 56367.

56175. Merger of resident-voter district of limited powers with city or creation of subsidiary district

Petitions for a merger of a resident-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(1) Five percent of the resident-voters of such district; or

(2) Five percent of the registered voters residing within the territory of the city outside the boundaries of said district.

(Amended Stats. 1969, c. 1301, p. 2545, sec. 19.)

Article 4

SIGNATURE REQUIREMENTS FOR PETITIONS IN LANDOWNER-VOTER DISTRICTS

Section

56180. Annexation or detachment.

56181. Minor boundary change.

56182. Consolidation.

56183. Dissolution.

56184. Dissolution for inactivity.

56185. Merger.

(Article 4 added by Stats. 1965, c. 2043, p. 4696, sec. 2.)

56180. Annexation or detachment

Petitions for the annexation or detachment of territory to or from a landowner-voter district shall be signed by not less than 5 percent of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 5 percent of the assessed value of land within such territory.

(Amended Stats. 1969, c. 1301, p. 2545, sec. 20.)

Cross References

Landowner defined, see sec. 56046.

Landowner-voter district defined, see sec. 56048.

56181. Minor boundary change

Petitions for a minor boundary change in a landowner-voter district shall be signed by at least one landowner within the territory proposed to be annexed or detached.

(Added Stats. 1965, c. 2043, p. 4697, sec. 2.)

56182. Consolidation

Petitions for the consolidation of two or more landowner-voter districts shall be signed by landowner-voters within each of the several districts constituting not less than 5 percent of the number of landowner-voters owning land within each of the several districts and who also own not less than 5 percent of the assessed value of land within each of the several districts.

(Amended Stats. 1969, c. 1301, p. 2546, sec. 21.)

56183. Dissolution

Petitions for the dissolution of a landowner-voter district shall be signed by not less than 5 percent of the number of landowner-voters within the district who also own not less than 5 percent of the assessed value of land within such district.

(Amended Stats. 1969, c. 1301, p. 2546, sec. 22.)

56184. Dissolution for inactivity

Notwithstanding the provisions of Section 56183, a petition for the dissolution of a landowner-voter district signed by three or more landowner-voters within the district shall be deemed a sufficient petition if it contains the recitals and statements provided for by Section 56174.

(Amended Stats. 1969, c. 1301, p. 2546, sec. 23.)

56185. Merger

Petitions for a merger of a landowner-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(1) Five percent of the number of landowner-voters within such district who also own not less than 5 percent of assessed value of land within such district; or

(2) Five percent of the registered voters residing within the territory of such city outside the boundaries of the district.

(Amended Stats. 1969, c. 1301, p. 2546, sec. 24.)

Article 5

SIGNATURE REQUIREMENTS FOR PETITIONS FOR REORGANIZATION

Section

56190. Compliance with applicable requirements.

56191. New district proposal included.

56192. Person qualified to sign for two or more changes; counting signature.

(Article 5 added by Stats. 1965, c. 2043, p. 4698, sec. 2.)

56190. Compliance with applicable requirements

Petitions for reorganization shall be signed so as to comply with the applicable signature requirements of Articles 3 (commencing with Section 56170) and 4 (commencing with Section 56180) of this chapter with respect to each of the various changes of organization proposed in such petition.

(Amended Stats. 1969, c. 1301, p. 2546, sec. 25.)

56191. New district proposal included.

If a petition for reorganization shall include a proposal for the formation of a new district, said petition shall comply with the signature requirements, if any, of a petition for formation of such district, as set forth in the principal act designated in said petition for such formation, and if there are no such requirements, then the requirements of this division pertaining to dissolution.

(Added Stats. 1965, c. 2043, p. 4698, sec. 2.)

56192. Person qualified to sign for two or more changes; counting signature

If a person is qualified to sign for two or more of the changes of organization proposed by the petition, such person need sign the petition only once and his signature shall be counted as if he had signed and requested each such change of organization.

(Added Stats. 1965, c. 2043, p. 4698, sec. 2.)

Chapter 3

INITIATION BY APPLICATION OF A LEGISLATIVE BODY

Section	
56195.	Resolution of application; adoption; contents.
56196.	Application; filing with executive officer.
56197.	Repealed.
**56198.	Certificate of filing; notice of incomplete application.

(Chapter 3 added by Stats. 1965, c. 2043)

Cross References

Methods of initiation, see sec. 56130.

**Amended by Stats. 1981

56195. Resolution of application; adoption; contents.

A proposal for a change of organization or for a reorganization may be made by the adoption of a resolution of application by the legislative body of any affected county, city or district. Except for provisions relating to signers and signatures, a resolution of application shall contain all the matters required to be contained in a petition for a change of organization and may contain any of the matters authorized to be contained in a petition for dissolution or reorganization.

(Added Stats. 1965, c. 2043, p. 4698, sec. 2.)

Cross References

Contents of petition for change of organization, see sec. 56140.

56196. Application; filing with executive officer.

The clerk of the legislative body adopting a resolution of application shall file a certified copy thereof with the executive officer.

(Added Stats. 1965, c. 2043, p. 4698, sec. 2.)

Cross References

Executive officer defined, see sec. 56041.

56197. Repealed. Stats. 1969, c. 1301, p. 2546, sec. 26.

56198. Certificate of filing; notice of incomplete application

Except when a commission is the lead agency pursuant to Section 21067 of the Public Resources Code, the executive officer shall determine within 30 days of receiving a resolution of application whether such resolution of application is complete and acceptable for filing or incomplete. An application shall be deemed accepted for filing if no determination has been made by the executive officer within the 30-day period. Upon receipt of a resolution of application, the executive officer shall ascertain whether, except for provisions relating to signers and signatures, the resolution and any supporting documents contain all the information and data required pursuant to Section 56140 and is in the form prescribed by the commission. If the executive officer finds that the resolution contains all such information and is in the prescribed form, *** *the executive officer* shall accept the proposal made therein for filing and immediately issue a certificate of filing to the affected county, city or district making the proposal. A certificate of filing shall be in the form prescribed by the executive officer ***. Following issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) ***. In the event that a resolution of application is determined not to be complete, the executive officer shall immediately transmit such determination to the applicant specifying those parts of the resolution of application which are incomplete and the manner in which they can be made complete.

(Amended by Stats. 1981, c. 961)

Part 3

REORGANIZATION PLANS; STUDY, REPORT AND RECOMMENDATION OF REORGANIZATION COMMITTEES

Chapter		Section
1.	General	56210
2.	Appointment of and Proceedings by Reorganization Committees	56220

Part 3 was added by Stats. 1965, c. 2043, p. 4699, sec. 2.

Chapter 1

GENERAL

Section

56210. Provisions of plan; exemption from district investigation law.

56211. Proceeding upon petition or application.

56212. Hearing on disapproval or reference.

56213. Notice of hearing on disapproval or reference; publication and posting.

56214. Notice of hearing on disapproval or reference; mailed notice.

56215. Hearing; disapproval or reference.

56216. Contributions; facilities for use of committee.

(Chapter 1 added by Stats. 1965, c. 2043, p. 4699, sec. 2.)

Cross References

Proceedings under this part as preliminary proceedings, see sec. 56062.

56210. Provisions of plan; exemption from district investigation law

A reorganization or a plan of reorganization shall provide for one or more changes of organization of any type for each of the subject districts and may provide for the formation of one or more new districts pursuant to the principal act or acts designated in the reorganization or plan of reorganization. Chapter 2 (commencing with Section 58500) of Division 2, Title 6, shall not apply to the formation of a district made pursuant to a reorganization or plan of reorganization.

(Added Stats. 1965, c. 2043, p. 4699, sec. 2.)

Cross References

Plan of reorganization defined, see sec. 56061.
Reorganization defined, see sec. 56068.

56211. Proceeding upon petition or application

Upon the presentation of any petition or applications making a proposal for a reorganization, the commission may take proceedings pursuant to Part 4 (commencing with Section 56250) without referring said proposal to a reorganization committee, as provided in this Part 3.

(Amended by Stats. 1969, c. 1301, p. 2546, sec. 28.)

56212. Hearing on disapproval or reference

Before any such proposal shall be referred to any reorganization committee, the commission may provide for a public hearing on the question of whether such proposal should be disapproved or referred to a reorganization committee and set a time and place for such hearing.

(Amended by Stats. 1969, c. 1301, p. 2547, sec. 29.)

56213. Notice of hearing on disapproval or reference; publication and posting

The executive officer shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4699, sec. 2.)

Cross References

Executive officer defined, see sec. 56041.

56214. Notice of hearing on disapproval or reference; mailed notice

The executive officer shall also give mailed notice of any such hearing, as provided in Sections 56087 and 56089, inclusive, by mailing notice of hearing to:

(a) Each subject district;

(b) The chief petitioners, if any;

(c) Each person who shall have filed a written request for special notice with the executive officer.

(Added Stats. 1965, c. 2043, p. 4699, sec. 2.)

56215. Hearing; disapproval or reference.

The hearing shall be held by the commission on the date and at the time and place specified. After the conclusion of the hearing, the commission shall adopt a resolution either (i) disapproving the proposal of reorganization or (ii) ordering the proposal referred to a reorganization committee for study, report and recommendation.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

Cross References

Contents of resolution of reference, see sec. 56220.

56216. Contributions; facilities for use of committee

The commission may accept contributions from any source for the purpose of paying the expenses of a reorganization committee in the conduct of its study, report and recommendation. Any affected county, city or district is authorized to make contributions for such purpose. The commission and any affected county, city or district may make any of their respective facilities available for the use of a reorganization committee and may authorize any of their respective officers and employees to furnish advice, assistance or services to such committee.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

Chapter 2

APPOINTMENT OF AND PROCEEDINGS BY REORGANIZATION COMMITTEES

Section

56220. Resolution of reference; contents.

56221. Commission's powers during study by reorganization committee.

56222. Mailing copies of commission's resolution.

56223. Reorganization committee; eligibility.

56224. Reorganization committee; appointments; removals; vacancies.

56225. Reorganization committee; notice of appointments and removals.

56226. Reorganization committee; appointments by commission.

56227. Reorganization committee; change in scope of study; change in personnel.

56228. Reorganization committee; officers; rules and procedures; meetings.

56229. Reorganization committee; quorum.

56230. Reorganization committee; disagreement or failure to report; discharge or appointment of public members.

56231. Commission's study, report and recommendation in place of that of discharged reorganization committee.

56232. Reorganization committee; rights of additional public members.

56233. Reorganization committee; cooperation of officers of affected county, city or district.

Section

56234. Reorganization committee; report and recommendation.

56235. Reorganization committee; approval of report and recommendation; vote required.

56236. Reorganization committee; filing report and recommendation; termination; reconvention.

(Chapter 2 added by Stats. 1965, c. 2043, p. 4700, sec. 2.)

56220. Resolution of reference; contents.

Any commission resolution ordering a proposal of reorganization referred to a reorganization committee shall:

(a) Describe the proposed reorganization and designate the subject districts (such description and designation may be by reference to the proposal);

(b) Specify the maximum number of members, not to exceed three, to represent each subject district on the committee;

(c) Fix a time and place for the first meeting of the reorganization committee; and

(d) Designate a date, not less than 60 days from the date of the first meeting of the committee, for the completion and submission to the commission of the report and recommendation of the committee.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

Cross References

Reorganization defined, see sec. 56068.

56221. Commission's powers during study by reorganization committee

From time to time during the course of study upon a proposed plan of reorganization, the commission may:

(a) Extend the time for completion and submission of the report and recommendation of a reorganization committee.

(b) Change the scope of the study by the addition or deletion of territory or of subject districts.

(c) Authorize the committee to develop, study, report and make recommendations upon alternative plans of reorganization.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

Cross References

Plan of reorganization defined, see sec. 56061.

56222. Mailing copies of commission's resolution

At least 15 days before the date of the first meeting of a reorganization committee, the executive officer shall mail a copy of the commission resolution to each subject district designated therein.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

56223. Reorganization committee; eligibility.

Any person, including but not limited to a member of the legislative body of a subject district and an officer or employee of such district, may be appointed as a member to represent said district upon a reorganization committee.

(Added Stats. 1965, c. 2043, p. 4700, sec. 2.)

56224. Reorganization committee; appointments; removals; vacancies

The legislative body of each subject district shall appoint one or more members, not to exceed the maximum number specified by the commission, to represent said district on the reorganization committee. Such legislative body may from time to time remove and replace any member previously appointed by it and may fill any vacancy in its membership upon such committee.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56225. Reorganization committee; notice of appointments and removals

The clerk of a subject district shall give immediate notice to the executive officer of all appointments and removals made by the legislative body to a reorganization committee.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56226. Reorganization committee; appointments by commission.

At any time after the date fixed for the first meeting of a reorganization committee or during the course of such committee's study, if the legislative body of any subject district, after written request by the executive officer, shall fail or refuse to appoint any members to said committee, such members may be appointed by the commission.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56227. Reorganization committee; change in scope of study; change in personnel

If during the course of study upon a proposed plan of reorganization the commission shall authorize a change in the scope of such study, the membership of the reorganization committee shall be immediately changed to exclude representatives of each district or city for which a change of organization is no longer proposed and to include representatives of each district or city for which a new change of organization is proposed.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56228. Reorganization committee; officers; rules and procedures; meetings.

Subject to any standards and procedures adopted by the commission, a reorganization committee shall provide for the selection of a presiding officer and secretary (either of whom may but are not required to be members of the committee), adopt such rules and procedures as it deems advisable, fix the time and place for meetings of the committee and determine the manner and method to be followed by the committee in its study, report and recommendation.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56229. Reorganization committee; quorum.

A quorum shall be deemed to be present at a meeting of a reorganization committee if members representing one-half or more of the subject districts shall be present. Each subject district shall be entitled to one vote at any reorganization committee meeting, which vote shall be determined by a majority of the members of such district present at said meeting.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56230. Reorganization committee; disagreement or failure to report; discharge or appointment of public members

Upon the failure or refusal of a reorganization committee to complete and submit its report and recommendation before the date specified by the commission or, prior to such date, if members of the committee representing one-half or more of the subject districts report to the commission that the committee is unable to agree upon such report and recommendation, the commission may either order the discharge of the committee, or appoint additional members to the committee, not to exceed the maximum number authorized for a single subject district, to represent the public and order the committee, as so enlarged, to continue its study.

(Added Stats. 1965, c. 2043, p. 4701, sec. 2.)

56231. Commission's study, report and recommendation in place of that of discharged reorganization committee

If the commission shall order the discharge of a reorganization committee, thereafter the commission may make a study, report and recommendation upon a plan of reorganization in the place and stead of said reorganization committee.

(Added States. 1965, c. 2043, p. 4701, sec. 2.)

56232. Reorganization committee; rights of additional public members

If the commission shall appoint additional members to the reorganization committee to represent the public and order the reorganization committee, as so enlarged, to continue its study, such additional members shall have all of the rights and powers of members representing a single subject district, including participation in all studies, reports and recommendations, attendance at all meetings and the casting of a single vote on behalf of all such additional members on any matter before the committee.

(Added Stats. 1965, c. 2043, p. 4702, sec. 2.)

56233. Reorganization committee; cooperation of officers of affected county, city or district

Every officer of any affected county, city or district shall make available to a reorganization committee any records, reports, maps, data or other documents which in any way affect or pertain to the committee's study, report and recommendation and shall confer with the committee concerning the problems and affairs of such county, city or district.

(Added Stats. 1965, c. 2043, p. 4702, sec. 2.)

56234. Reorganization committee; report and recommendation

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.

(b) A full and complete description of the plan of reorganization and any alternative plans of reorganization which were studied by the committee.

(c) The recommendation of the committee for the approval or disapproval of all or any part of the plan or reorganization and of any alternative plans of reorganization.

(Amended by Stats. 1970, c. 1249, p. 2254, sec. 8.5.)

56235. Reorganization committee; approval of report and recommendation; vote required

Approval by a reorganization committee of the report and recommendation shall require the affirmative vote of more than one-half of the subject districts represented on the reorganization committee.

(Added Stats. 1965, c. 2043, p. 4702, sec. 2.)

56236. Reorganization committee; filing report and recommendation; termination; reconvention

The reorganization committee shall file the original of its report and recommendation with the executive officer and a copy thereof with the clerk of each subject district. Upon such filing with the executive officer, the reorganization committee shall be terminated. However, the commission may cause said committee to be reconvened at any time for the sole purpose of correcting or clarifying any error, omission or uncertainty appearing in said report and recommendation.

(Added Stats. 1965, c. 2043, p. 4702, sec. 2.)

Part 4

NOTICE, HEARING AND DETERMINATIONS BY THE COMMISSION

Chapter		Section
1.	General	56250
2.	Notice and Hearing	56260
3.	Resolution Making Determination	56270

Part 4 was added by Stats. 1965, c. 2043, p. 4702, sec. 2.

Chapter 1

GENERAL

Section	
56250.	Powers of commission.
*56250.5	Santa Clara County; urban service area; procedure for reorganization involving city annexation.
56251.	Conflicting proposals; priority.
56252.	Proposed annexation or detachment; election.
56252.1	Proposed reorganization involving annexation of uninhabited territory to a city; election.
56253.	Continuance of hearing; authorization.
56254.	Procedure for approval or modification of impartial analysis of ballot proposition.

(Chapter 1 was added by Stats. 1965, c. 2043)

*Section added by Stats. 1982)

56250. Powers of commission

The commission shall have the powers and duties set forth in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5, and the following additional powers and duties:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally the following:

(1) Proposals for changes of organization.

(2) Proposals for reorganizations not required to be referred to a reorganization committee.

(3) Reports and recommendations of a reorganization committee and any plan of reorganization or alternative plan of reorganization reported on by such committee.

(b) To adopt standards and procedures for the evaluation of proposals, plans of reorganization and reports and recommendations of reorganization committees.

In all instances the commission shall consider whether proposals, plans of organization, and recommendations of reorganization committee are in conformity with applicable city or county general and specific plans.

Except as otherwise provided in this division, such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5. To the extent of any inconsistency between said Chapter 6.6 and this division, the provisions of this division shall control.

(Amended by Stats. 1970, c. 1249, p. 2255, sec. 9.)

56250.5 Santa Clara County; urban service area; procedure for reorganization involving city annexation

(a) Notwithstanding any other provision of this part, the commission shall not have any authority to review a reorganization which includes an annexation to any city in Santa Clara County of unincorporated territory which is within the urban service area of the city if the reorganization is initiated by resolution of the legislative body of the city within two years after the date upon which the urban service area is delineated and adopted by the commission.

(b) The legislative body of the city shall be the conducting authority for the reorganization and the proceedings for the reorganization shall be initiated and conducted as nearly as may be practicable in accordance with Article 2 (commencing with Section 35220) of Chapter 3 of Part 2.

The legislative body of the city, in adopting the resolution approving the reorganization, shall make the following findings:

(1) That the unincorporated territory is within the city's urban service area as adopted by the commission.

(2) That the county surveyor has determined the boundaries of the proposal to be definite and certain, and in compliance with the commission's road annexation policies.

(3) That the proposal does not split lines of assessment or ownership.

(4) That the proposal does not create islands or areas in which it would be difficult to provide municipal services.

(5) That the proposal is consistent with the city's adopted general plan.

(6) That the territory is contiguous to existing city limits.

(c) All reorganizations which involve territory for which the land use designation in the city's general plan has changed from the time that the city's urban service area was last adopted by the commission, and which are processed by a city pursuant to this section shall be subject to an appeal to the commission upon submission of a petition of appeal, signed by at least 50 registered voters in the county.

(d) An appeal to the commission may also be made by submission of a resolution of appeal adopted by the legislative body of a special district solely for the purpose of determining whether some or all of the territory contained in the reorganization proposal should also be annexed or detached from that special district.

(e) Any such petition under subdivision (c) or resolution under subdivision (d) shall be submitted to the executive officer of the commission within 15 days of the adoption by the legislative body of the city of the resolution approving the annexation. The executive officer of the commission shall schedule the hearing for the next regular meeting of the commission as is practicable. The commission may set a reasonable appeal fee.

This section shall remain in effect only until January 1, 1989, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends such date.

(Added and repealed by Stats. 1982, c. 1178)

56251. Conflicting proposals; priority.

If two or more proposals pending before the commission shall conflict or in any way be inconsistent with each other, the commission may determine the relative priority for conducting any further proceedings based upon any such proposals. Any such determination shall be included in the terms and conditions imposed by the commission. In the absence of any such determination, priority shall be given to that proceeding which shall be based upon the proposal first filed with the executive officer.

(Added Stats. 1965, c. 2043, p. 4703, sec. 2.)

56252. Proposed annexation or detachment; election

In any order approving a proposal for an annexation or detachment, the commission may determine that any election called upon the question of confirming an order for any such annexation or detachment shall be called, held and conducted upon such question either:

(a) Only within the territory ordered to be annexed or detached; or

(b) Both within the territory ordered to be annexed or detached and within all or such part of said district as is outside of such territory.

(Added Stats. 1965, c. 2043, p. 4703, sec. 2.)

Cross References

Annexation defined, see sec. 56024.
Detachment defined, see sec. 56037.
Election called by directors, compliance with order of commission, see sec. 56321.

56252.1 Proposed reorganization involving annexation of uninhabited territory to a city; election

In any order approving a proposal for a reorganization which includes annexation of inhabited territory to a city when the assessed value of land within such territory proposed to be annexed equals one-half, or more, of that within the city, as shown by the last equalized assessment rolls, or the number of registered voters of the territory equals one-half, or more, of the number of registered voters within the city, as shown by the county registration of voters, the commission shall require that an election called upon the question of confirming such reorganization shall also be called, held, and conducted within the territory of the city to which territory is proposed to be annexed.

(Added by Stats. 1975, c. 260, urgency eff. July 11, 1975.)

56253. Continuance of hearing, authorization

The commission may at any time authorize any legislative body holding a hearing pursuant to Part 5 (commencing with Section 56290), to continue such hearing to a date or dates extending beyond the dates specified in such part.

(Added Stats. 1965, c. 2043, p. 4703, sec. 2.)

56254. Procedure for approval or modification of impartial analysis of ballot proposition

Whenever the executive officer is required pursuant to this division to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by rule, provide a procedure for approval or modification of the executive officer's analysis.

(Added by Stats. 1970, c. 736, p. 1377, sec. 33.5.)

Chapter 2

NOTICE AND HEARING

Section

56260. Determinations without notice and hearing.

56261. Annexation or detachment petition; requisites for action without notice and hearing; notice of filing; demand by district.

**56261.1 Consolidation or reorganization; mandatory commission approval;election; board of supervisors findings; requisites for ordering change in provisions or terms.

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56263. Setting date, time and place of hearing; applications pursuant to sections 56157 or 56198, or where notice and hearing not required.

56263.1 Proposal for gas or electric service; report of Public Utilities Commission.

56264. Notice by publication and by posting.

56265. Notice by mail.

56266. Hearing; continuance.

56267. Hearing; protests; objections; evidence.

(Chapter 2. was added by Stats. 1965, c. 2043)

**Section amended by Stats. 1982

56260. Determination without notice and hearing

The commission may make the following determinations without notice and hearing:

(a) Approval or disapproval of any proposal for a minor boundary change.

(b) Subject to the limitations of Section 56261, approval or disapproval of a proposal for an annexation, detachment, or reorganization which consists solely of annexations or detachments, or both.

Except for the foregoing determinations, the commission shall not make any determinations upon any proposal, plan of reorganization or report and recommendation of a reorganization committee until after public hearing by the commission thereon.

(Amended by Stats. 1977, c. 90)

56261. Annexation, detachment or reorganization petition; requisites for action without notice and hearing; notice of filing; determination

If a petition for an annexation, a detachment or a reorganization consisting solely of annexations or detachments, or both, shall be signed by all of the owners of land within the affected territory of the proposed change of organization or reorganization, or if a resolution of application by a legislative body of an affected district, county, or city making a proposal for an annexation or detachment, or for a reorganization consisting solely of annexations or detachments, or both, shall be accompanied by proof, satisfactory to the commission, that all the owners of land within the affected territory have given their written consent to such change of organization or reorganization, the commission may approve or disapprove such change of organization or reorganization, without notice and hearing by the commission. In such cases the commission may also approve and authorize the board of directors of the conducting district or the board of supervisors, whichever is applicable, to conduct proceedings for the change of organization or reorganization (i) without notice and hearing, (ii) without an election, or (iii) both.

The executive officer shall give any district or city whose boundaries would be changed by a proposed change of organization or reorganization which could be subject to the provisions of this section mailed notice of the filing of the petition or resolution of application initiating preliminary proceedings. The commission shall not, without the written consent of the district or city whose boundaries would be changed by the proposed change of organization or reorganization take any further action on said petition or resolution of application for 10 days following such mailing. Upon written demand by an affected district or city, filed with the executive officer during said 10-day period, the commission shall make determinations upon said petition or resolution of application only after notice and hearing thereon. If no such demand is filed, the commission may make such determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, a district or city

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may (i) waive the requirement of such mailed notice, (ii) consent to the commission making such determinations without notice and hearing, or (iii) both.

(Amended by Stats. 1977, c. 90)

56261.1 Consolidation or reorganization; mandatory commission approval; election; board of supervisors findings; requisites for ordering change in provisions or terms

(a) If a majority of the members of each of the legislative bodies *** of two or more districts adopt substantially similar resolutions of application making proposals either for the consolidation of all the districts or for the reorganization of all or any part of the districts into a single district, the commission *** shall approve, or conditionally approve, the proposal. The commission shall authorize the board of supervisors to order the consolidation or reorganization *** without an election, *** except as otherwise provided in subdivision (b). The board of supervisors shall hold at least one noticed public hearing on the proposal within 30 days after approval of the application by the commission.

(b) An election shall only be held if the board of supervisors finds either of the following:

(1) In the case of a resident-voter district, that the territory is uninhabited, or in the case of a landowner-voter district, that the territory is uninhabited and a petition requesting that the proposal be submitted to confirmation by the voters has been signed by at least 25 percent of the number of landowners within the territory subject to the consolidation or reorganization, owning at least 25 percent of the assessed value of land therein.

(2) In the case of inhabited territory, that a petition requesting that the proposal be submitted to confirmation by the voters has been signed by either of the following:

(i) At least 25 percent of the number of landowners within the territory subject to the consolidation or reorganization who own at least 25 percent of the assessed value of land therein.

(ii) At least 25 percent of the voters entitled to vote as a result of residing within or owning land within such territory.

The petition shall be filed with the board of supervisors within 30 days after the public hearing required by subdivision (a) has been held. If a petition has been filed, the board of supervisors shall approve the proposal subject to confirmation by the voters of the district pursuant to Sections 56386 and 56440.

(c) Before ordering any material change in the provisions or the terms and conditions of the consolidation or reorganization, as set forth in the proposals of the districts, the commission shall direct the executive officer to give each district mailed notice thereof. The commission shall not, without the written consent of all districts, take any further action on the consolidation or reorganization for 30 days following such mailing. Upon written demand by any of the districts, filed with the executive officer during that 30-day period, the commission shall make determinations upon the proposals only after notice and hearing thereon. If no such demand is filed, the commission may make such determinations without notice and hearing.

(Amended by Stats. 1970, c. 1249; Stats. 1982, c. 1170)

56262. Setting date, time and place of hearing; sufficient petition or resolution

Upon the filing with the executive officer of any sufficient petition or resolution of application or any report and recommendation of a reorganization committee, the executive officer shall set the matter for public hearing by the commission and fix a date, time and place for such hearing. The date of the hearing shall not be more than 90 days after such filing.

(Amended Stats. 1967, c. 920, p. 2382, sec. 37; Stats. 1969, c. 1301, p. 2547, sec. 31; Stats. 1974, c. 127, urgency, eff. April 2, 1974.)

56263. Setting date, time and place of hearing; applications pursuant to Sections 56157 or 56198, or where notice and hearing not required

Where the commission desires to provide for notice and hearing prior to making a determination on a matter which the commission is authorized, but not required, to determine without notice and hearing, the commission shall order a public hearing thereon and set a date, time and place for such hearing. The date of hearing shall not be more than 90 days after the date of said order.

(Amended Stats. 1967, c. 920, p. 2382, sec. 38; Stats. 1969, c. 1301, p. 2547, sec. 32; Stats. 1970, c. 1249, p. 2256, sec. 12; Stats. 1974, c. 127, urgency, eff. April 2, 1974.)

56263.1 Proposal for gas or electric service; report of Public Utilities Commission

If any sufficient petition or resolution of application shall propose, as a part thereof, that the district shall furnish gas or electric service, as provided in Sections 56017 to 56019, inclusive, a certified copy of the report of the Public Utilities Commission must be on file with the executive officer prior to setting any such petition or resolution for public hearing by the commission.

(Amended Stats. 1967, c. 920, p. 2382, sec. 39; Stats. 1969, c. 1301, p. 2547, sec. 33.)

56264. Notice by publication and by posting

The executive officer shall give notice of any hearing by the commission by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Amended Stats. 1967, c. 920, p. 2382, sec. 40.)

56265. Notice by mail

The executive officer shall also give mailed notice of any hearing by the commission, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing:

(a) To each affected county, city or district;

(b) To the chief petitioners, if any;

(c) To each person who shall have filed a written request for special notice with the executive officer; and

(d) If the proposal is for any annexation or detachment or for a reorganization providing for the formation of a new district, to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached or formed into a new district.

(Amended Stats. 1967, c. 920, p. 2382, sec. 41.)

56266. Hearing; continuance

The hearing shall be held by the commission upon the date and at the time and place specified. The hearing may be continued from time to time but not to exceed 70 days from the date specified in the original notice.

(Amended Stats. 1967, p. 920, p. 2383, sec. 42.)

56267. Hearing; protests; objections; evidence.

At the hearing the commission shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed.

(Added Stats. 1965, c. 2043, p. 4705, sec. 2.)

Chapter 3

RESOLUTION MAKING DETERMINATIONS

Section

56270. Adoption; time; terms and conditions.

56271. Annexation or detachment; findings; conducting district.

56271.1 Designation of city as conducting agency.

56272. Certified copy; mailing; filing.

56273. Disapproval; effect; time for new proposal.

56274. Approval; duties of board of directors.

**56275. Application for amendment of resolution; powers of commission.

56275.1 Correction of clerical errors in commission's resolution making determinations.

56276. Amended resolution; compliance.

(Chapter 3 added by Stats. 1965)

**Section amended by Stats. 1982)

56270. Adoption; time; terms and conditions

At any time not later than 35 days after the conclusion of the hearing, the commission shall adopt a resolution making determinations approving or disapproving the proposal or the plan of reorganization, any alternative plan of reorganization and the report and recommendation of a reorganization committee. In any resolution approving any such proposal, plan of reorganization, alternative plan of reorganization, or report and recommendation of a reorganization committee, the commission may determine that the same shall be made subject to any of the terms and conditions authorized by Section 56470, as the commission may specify in said resolution; provided, that the commission shall not specify any term or condition which shall not be fair, just and equitable.

(Amended Stats. 1967, c. 920, p. 2383, sec. 43.)

56271. Annexation or detachment; findings; conducting district.

A resolution making determinations relating to an annexation or detachment shall also find whether the territory proposed to be annexed is inhabited or uninhabited, assign a distinctive short form designation to the territory proposed to be annexed or detached, designate the conducting district and direct the board of directors thereof to initiate detachment or annexation proceedings in compliance with said resolution.

(Added Stats. 1965, c. 2043, p. 4705, sec. 2.)

56271.1 Designation of city as conducting agency

A resolution of the commission making determinations relating to a reorganization may designate a city as the agency to assume the powers and duties contained in Section 56291 and Chapter 7 (commencing with Section 56430) of this division, if that city will be required to annex or detach territory as part of a reorganization proposal approved by the commission.

If a city is so designated by the commission as conducting agency, it shall perform the acts and make the findings otherwise required of the board of supervisors, and the clerk of the county by Section 56291 and Chapter 7 (commencing with Section 56430) of Part 5 of this division.

(Added by Stats. 1976, c. 959, eff. Jan. 1, 1977)

56272. Certified copy; mailing; filing

The executive officer shall mail a certified copy of the commission's resolution making determinations addressed to:

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

(b) Each affected county, city or district;

(c) Each conducting district, by registered or certified mail, return receipt requested.

In addition, where such resolution relates to consolidation, dissolution, a merger, the establishment of a subsidiary district or a reorganization, the executive officer shall file a certified copy thereof with the clerk of the principal county.

(Added Stats. 1965, c. 2043, p. 4706, sec. 2.)

56273. Disapproval; effect; time for new proposal

If the commission wholly disapproves any proposal or plan of reorganization, no further proceedings shall be taken for such change of organization or plan of reorganization. No new proposal for the same or substantially the same change of organization or plan of reorganization for the same district or districts may be filed with the commission within one year after the date of such disapproval, provided the commission may waive or shorten such time limitation if it finds the same to be in the public interest.

(Amended Stats. 1967, c. 920, p. 2383, sec. 44.)

56274. Approval; duties of board of directors

If a proposal or plan of reorganization is approved by the commission, with or without amendment, wholly, partially or conditionally, it shall be mandatory for the board of directors of the conducting district or the board of supervisors, as the case may be, to take proceedings for the change of organization or reorganization in accordance with Part 5 (commencing with Section 56290) hereof, subject to compliance with the commission's resolution making determinations.

(Added Stats. 1965, c. 2043, p. 4706, sec. 2.)

56275. Application for amendment of resolution; powers of commission

Any legislative body conducting a proceeding for a change of organization or reorganization, or any affected county, city, district, landowner, voter, or other interested person desiring any addition, deletion, amendment, or revision of any commission resolution making determinations or any term, condition, or other provision contained therein, may within *** 30 days after adoption of the commission's resolution making determinations file written application therefor with the executive officer who shall present the same to the commission at its next meeting. The filed application may be withdrawn by the applicant at any time prior to its having been denied or approved by the commission. When such a written application is filed with the commission, the time within which the legislative body conducting proceedings is directed to act shall be tolled from the date upon which written application is made to the commission to the date upon which the legislative body receives notification of the commission's final action on the application. The commission, in its discretion, may either *** (a) without further notice and hearing, deny or approve such application, in whole or in part, or *** (b) provide for notice and hearing upon *** the application, in the same manner as for the original proposal, prior to denying or approving the same. Any determinations made by a commission pursuant to this section shall be final and conclusive and no further application shall be made pursuant to this section requesting the same or substantially the same addition, deletion, amendment, or revision of the commission's resolution making determinations.

(Amended by Stats. 1977, c. 90; Stats. 1982, c. 511)

56276. Amended resolution; compliance

If pursuant to Section 56275, the commission shall approve any addition, deletion, amendment or revision of its resolution making determinations, further proceedings for the change of organization or reorganization shall be taken in compliance therewith. Any provision of this division requiring compliance with the commission's resolution making determinations shall be deemed to include any addition, deletion, amendment or revision made thereto.

(Amended Stats. 1970, c. 1249, p. 2256, sec. 14.)

Part 5

PROCEEDINGS FOR CHANGE OF ORGANIZATION AND REORGANIZATION

Chapter		Section
1.	General	56290
2.	Annexations and Detachments	56310
3.	Minor Boundary Changes	56350
4.	Dissolution	56360
5.	Consolidation	56380
6.	Mergers and Establishment of Subsidiary Districts	56400
7.	Reorganization	56430
8.	Completion and Effective Date of a Change of Organization or Reorganization	56450
9.	Terms and Conditions: Effect of Change of Organization or Reorganization	56470

(Part 5 added by Stats. 1965, c. 2043, p. 4707, sec. 2.)

Chapter 1

GENERAL

Section

56290. Application of part.

56291. Conducting district; duties of directors and of supervisors of principal county.

56292. Presentation of resolution making determinations; resolution initiating proceedings; time.

56293. Certification to supervisors of inability to deliver resolution making determinations or of failure of district to act.

56294. Assumption of jurisdiction by supervisors.

56295. Written protest; signatures; withdrawl of names.

(Chapter 1 added by Stats. 1965, c. 2043, p. 4707, sec. 2.)

56290. Application of part

After completion of preliminary proceedings, as provided in Part 4 (commencing with Section 56250), proceedings for a change of organization or a reorganization shall be taken pursuant to this part.

(Added Stats. 1965, c. 2043, p. 4707, sec. 2.)

Cross References

Reorganization defined, see sec. 56068.

56291. Conducting district; duties of directors and of supervisors of principal county

A district whose boundaries would be changed as a result of a proposed annexation, detachment or minor boundary change shall be the conducting district and proceedings for any such annexation, detachment or minor boundary change shall be taken by the board of directors of such district. The board of supervisors of the principal county shall take proceedings for all other changes of organization and any reorganization, including a reorganization providing, among other things, for any annexation, detachment or minor boundary changes.

(Added Stats. 1965, c. 2043, p. 4707, sec. 2.)

56292. Presentation of resolution making determinations; resolution initiating proceedings; time

Following receipt of a copy of the commission's resolution making determinations, the clerk of the county or of the conducting district, as the case may be, shall present such resolution to the board of supervisors or to the board of directors of such district. Not later than 35 days after the date of adoption of said commission's resolution, the legislative body of the county or a conducting district, shall adopt a resolution initiating proceedings in compliance with said commission's resolution.

(Amended Stats. 1967, c. 920, p. 2383, sec. 45.)

56293. Certification to supervisors of inability to deliver resolution making determinations or of failure of district to act

After the expiration of 35 days from the date of adoption of the commission's resolution making determinations, the commission may by resolution certify to the board of supervisors of the principal county:

(a) That the executive officer was unable to effect mailing or delivery of a certified copy of the commission's resolution making determinations to any conducting district by reason of:

(1) The failure of the board of directors of a conducting district to make the filing required by Section 53051; or

(2) The return, undelivered, of such certified copy after having been mailed to the clerk of a conducting district at the address specified in the filing required by Section 53051; or

(b) That the board of directors of a conducting district has failed or refused to initiate, conduct or complete proceedings for the change of organization in compliance with the commission's resolution making determinations or has failed to comply with any terms or conditions thereof.

(Amended Stats. 1967, c. 920, p. 2384, sec. 45.5; Stats. 1971, c. 265, p. 423, sec. 1, urgency, eff. July 2, 1971.)

56294. Assumption of jurisdiction by supervisors

At any time after the adoption of a resolution of certification pursuant to Section 56293, the board of supervisors may assume jurisdiction to initiate, conduct and complete any proceedings for the change of organization and to enforce compliance with any terms or conditions thereto referred to in such resolution. Upon the assumption of such jurisdiction, said board of supervisors and the clerk and other officers of the county shall have exclusive jurisdiction with respect thereto and may exercise all powers and duties vested in the board of directors of a conducting district and the clerk or other officers of such district. Any jurisdiction assumed and exercised by the board of supervisors and the clerk or other officers of the county pursuant to this section shall be given the same force and effect as if taken by the board of directors, if any, of a conducting district and the clerk or officers thereof.

(Amended Stats. 1971, c. 265, p. 423, sec. 2, urgency, eff. July 2, 1971.)

56295. Written protest; signatures; withdrawal of names

In proceedings for an annexation, detachment or minor boundary change or for a reorganization consisting solely of annexations or detachments, or both, a written protest must show the date that each signature was affixed to such protest. All signatures bearing no date or bearing a date prior to the date of adoption of the resolution initiating proceedings shall be disregarded for the purpose of ascertaining the existence of a majority protest. Any person who shall have signed a written protest may withdraw his name from such protest at any time prior to the ascertainment of a majority protest.

(Added Stats. 1967, c. 920, p. 2389, sec. 63.)

Chapter 2

ANNEXATIONS AND DETACHMENTS

Section

**56310.	Resolution initiating proceedings.
56311.	Notice by publication and posting.
56312.	Notice by mail.
56313.	Hearing; continuance.
56314.	Conduct of hearing; withdrawal of protests.
56314.1	Factors considered; findings.
56315.	Exclusion of lands.
56316.	Majority protest; effect.
56317.	Written protest; contents; public agency.
56318.	Sufficiency of written protests; methods of determining.
56319.	Resolution ordering detachment.
56319.1	Resolution ordering annexation or disapproving proposal.
56320.	Election to confirm order; order without election.
56321.	Election to confirm order; territory in which held.
56322.	Order without notice and hearing or election.
56323.	Contents of resolution.
56324.	Confirmation of order of annexation or detachment.
56325.	Termination of proceedings; time for new proposal.

(Chapter 2 added by Stats. 1965)

**Amended by Stats. 1981.

56310. Resolution initiating proceedings

Except as otherwise provided in Section 56322, the board of directors of the conducting district, *unless authorized by the commission pursuant to Section 56261.1,* shall adopt a resolution initiating proceedings for an annexation or detachment which resolution shall comply with the commission's resolution making determinations and shall:

(a) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(b) State the distinctive short form designation assigned by the commission to the territory proposed to be annexed or detached and set forth a description of the exterior boundaries of such territory.

(c) State whether the territory proposed to be annexed or detached is inhabited or uninhabited.

(d) State the reason or reasons for the proposed annexation or detachment, as set forth in the proposal thereof.

(e) Set forth any terms and conditions of the proposed annexation or detachment.

(f) Fix a time, date and place of hearing on the proposed annexation or detachment, which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(g) State that any interested person desiring to make written protest against said

annexation or detachment shall do so by written communication filed with the clerk of the conducting district not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

(Amended by Stats. 1981, c. 961)

Cross References

Conducting district defined, see 56034.

56311. Notice by publication and posting

The clerk of the conducting district shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4708, sec. 2.)

56312. Notice by mail

The clerk of the conducting district shall also give mailed notice of any such hearing as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing:

(a) In the case of a benefit district, to all landowners owning land within the territory proposed to be annexed or detached; and

(b) To all persons and counties, cities or districts, which shall have theretofore filed a written request for special notice with the clerk of the conducting district.

(Added Stats. 1965, c. 2043, p. 4708, sec. 2.)

56313. Hearing; continuance

The hearing on the proposed annexation or detachment shall be held by the board of directors upon the date and at the time specified in the resolution initiating proceedings for such annexation or detachment. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added Stats. 1965, c. 2043, p. 4709, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56314. Conduct of hearing; withdrawal of protests

At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of directors of the conducting district shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added Stats. 1965, c. 2043, p. 4709, sec. 2.)

56314.1 Factors considered; findings.

Factors to be considered by the board of directors in a proposed annexation shall include:

(a) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to said district;

(b) The commission's resolution making determinations;

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5;

(d) Any other matters which the board of directors deems material.

Except as hereinafter provided, the board of directors shall not be required to make any express recitals or findings concerning any of the factors considered by it.

(Added Stats. 1965, c. 2043, p. 4709, sec. 2.)

Cross References

Annexation defined, see sec. 56024.

56315. Exclusion of lands

In any proceedings for the annexation of territory to any district, where the terms and conditions provide for the formation of such territory into a new improvement district or the annexation of such territory to an existing improvement district and in any proceedings for the annexation of territory to a benefit district, the board of directors shall have the power and duty to exclude any lands proposed to be annexed which said board finds will not be benefited by becoming a part of any such district or improvement district.

The board of directors shall notify the commission of any such exclusion.

For the purpose of completing any such proceedings, including the findings provided for by Sections 56316 and 56317, any land so excluded shall no longer be considered a part of the territory proposed to be annexed.

(Amended Stats. 1969, c. 1301, p. 2548, sec. 34; Stats. 1970, c. 1249, p. 2257, sec. 15.)

56316. Majority protest; effect

A majority protest shall be deemed to exist and the proposed annexation or detachment shall be abandoned if the board of directors shall find and declare by resolution that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) In the case of the annexation or detachment of inhabited territory, more than 50 percent of the voting power of voters entitled to vote as a result of residing in or owning land within such territory; or

(b) In the case of the annexation or detachment of uninhabited territory, more than 50 percent of the assessed value of land therein.

(Amended by Stats. 1977, c. 90)

[Note: The 1977 amendment deleted, under (a): "(1) More than 50 percent of the assessed value of land therein, or (2)"

56317. Written protest; contents; public agency

A written protest by a resident-voter shall contain his signature and a street and number or designation sufficient to enable the place of residence to be readily ascertained. A protest by a landowner or landowner-voter shall contain his signature and a description of the land owned by him sufficient to identify the same. A public agency owning land shall be deemed a landowner or landowner-voter for the purpose of making a written protest and determining the existence of a majority protest.

(Added Stats. 1965, c. 2043, p. 4710, sec. 2.)

56318. Sufficiency of written protests; methods of determining

The board of directors shall determine the sufficiency of written protests by the same methods and in the same manner as provided in Sections 56158 to 56162, inclusive, for the examination of petitions by the executive officer.

(Added Stats. 1965, c. 2043, p. 4710, sec. 2.)

56319. Resolution ordering detachment

In a detachment proceeding, if a majority protest shall not have been filed, the board of directors of the conducting district upon the conclusion of the hearing shall, in accordance with the provisions of Sections 56320 and 56321, adopt a resolution ordering the territory detached.

(Added Stats. 1965, c. 2043, p. 4710, sec. 2.)

Cross References

Detachment defined, see sec. 56037.

56319.1 Resolution ordering annexation or disapproving proposal

In an annexation proceeding, if a majority protest shall not have been filed, the board of directors of the conducting district, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed annexation; or

(b) Ordering the annexation in accordance with Sections 56320 to 56322, inclusive.

(Added Stats. 1965, c. 2043, p. 4710, sec. 2.)

56320. Election to confirm order; order without election

The board of directors may order such territory annexed to or detached from the district either without election or subject to confirmation by the voters upon the question of such annexation or detachment. However, the board of directors shall not order any such annexation or detachment without election unless the board of directors finds:

(a) In the case of a resident-voter district, that the territory is uninhabited, or in the case of a landowner-voter district, that the territory is uninhabited and that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning not more than 25 percent of the assessed value of land therein, or

(b) In the case of inhabited territory, that written protests filed and not withdrawn represent:

(1) Less than 25 percent of the number of landowners within such territory owning not more than 25 percent of the assessed value of land therein; and

(2) Less than 25 percent of the voting power of voters entitled to vote as a result of residing in or owning property within such territory.

(Amended Stats. 1967, c. 920, p. 2384, sec. 46.)

56321. Election to confirm order; territory in which held

In any resolution ordering an annexation or detachment of territory subject to confirmation by the voters, the board of directors, subject to compliance with any commission order made pursuant to Section 56252, may provide for an election or elections to be called, held and conducted upon such question:

(a) Only within the territory ordered to be annexed or detached; or

(b) Both within the territory ordered to be annexed or detached and within all or such part of said district as is outside of such territory.

(Added Stats. 1965, c. 2043, p. 4711, sec. 2.)

Cross References

Application of section to annexation order, see sec. 56319.1.
Detachment order, see sec. 56319.

56322. Order without notice and hearing or election

When approved and authorized by the commission pursuant to the provisions of Section 56261, the board of directors of a district may adopt a resolution ordering an annexation or detachment (i) without notice and hearing by the board of directors, (ii) without an election, or (iii) both, as the case may be.

(Added Stats. 1965, c. 2043, p. 4711, sec. 2.)

56323. Contents of resolution

A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed or detached and shall contain all terms and conditions imposed upon such annexation or detachment.

(Added Stats. 1965, c. 2043, p. 4711, sec. 2.)

56324. Confirmation of order of annexation or detachment

After the canvass of the returns of any election or elections on the question of the annexation or detachment, the board of directors shall declare by resolution the total number of votes cast in the election or elections, and the number of votes cast for and against the annexation or detachment. The board of directors shall adopt a resolution confirming the order of annexation or detachment, if a majority of the votes cast upon such question are in favor of such annexation or detachment:

(a) At an election called only within the territory ordered to be annexed or detached; or

(b) At each election where one election was called within the territory ordered to be annexed or detached and another election within all or such part of said district as is outside said territory.

(Amended Stats. 1970, c. 953, p. 1715, sec. 2.)

56325. Termination of proceedings; time for new proposal

If the proceedings for annexation or detachment are terminated, either by majority protest as provided in Section 56316 or by failure of the majority of voters to confirm the order at an election held pursuant to Section 56321, then no new proposal for the same or substantially the same plan of annexation or detachment may be filed with the commission within one year after the date of adoption of the resolution terminating such proceedings.

(Added Stats. 1970, c. 953, p. 1716, sec. 3.)

Chapter 3

MINOR BOUNDARY CHANGES

Section

56350. Order without notice and hearing; exceptions.

56351. Order without election; findings.

56352. Conformity to established property lines.

56353. Compliance with commission's determinations.

(Chapter 3 added by Stats. 1965, c. 2043, p. 4711, sec. 2.)

56350. Order without notice and hearing; exceptions

The board of directors of the conducting district may be resolution order a minor boundary change without notice and hearing; provided, that the board of directors of a benefit district shall not order a minor boundary change resulting in the inclusion of additional land within the territory of such district unless either (i) all of the owners of such land have petitioned for or otherwise given their written consent to such inclusion, or (ii) said board shall take proceedings for the annexation of such territory pursuant to Chapter 2 (commencing with Section 56310) of this part.

(Added Stats. 1965, c. 2043, p. 4711, sec. 2.)

Cross References

Conducting district defined, see sec. 56034.

56351. Order without election; findings

The board of directors may by resolution order a minor boundary change without election if said board finds:

(a) That the boundaries of the district are conflicting, indefinite, uncertain or incorrectly described; or

(b) That by reason of the subdivision, resubdivision or conveyance of land, the district boundary lines fail to conform to established property lines or boundary lines used by the assessor for the purpose of the levy and collection of taxes or assessments.

(Added Stats. 1965, c. 2043, p. 4712, sec. 2.)

56352. Conformity to established property lines

Any minor boundary change shall conform to established property lines and boundary lines used by the assessor and, as nearly as may be practicable, to the district boundaries as they existed prior to such order.

(Added Stats. 1965, c. 2043, p. 4712, sec. 2.)

Cross References

Minor boundary change defined, see sec. 56352.

56353. Compliance with commission's determinations

A resolution ordering a minor boundary change shall comply with the commission's resolution making determinations and shall contain a description of the new boundary line resulting from such change.

(Added Stats. 1965, c. 2043, p. 4712, sec. 2.)

Chapter 4

DISSOLUTION

Section

56360. Resolution initiating proceedings.

56361. Notice by publication and posting.

56362. Notice by mail.

56363. Hearing; continuance.

56364. Conduct of hearing; withdrawal of protests.

56365. Factors considered; findings.

56366. Determinations.

**56367. Findings.

**56368. Resolution ordering dissolution; necessity of election.

56369. Resolution ordering dissolution; terms and conditions.

56370. Resolution based on election results.

(Chapter 4 added by Stats. 1965, c. 2043, p. 4712, sec. 2.)

**Section amended

56360. Resolution initiating proceedings

The board of supervisors shall adopt a resolution initiating proceedings for dissolution, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the name of the district proposed to be dissolved, and the county or counties in which the same is located.

(b) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(c) State the reason or reasons for the proposed dissolution, as set forth in the proposal therefor.

(d) Set forth any terms and conditions of the proposed dissolution.

(e) Fix a time, date and place of hearing on the proposed dissolution which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said dissolution shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

(Added Stats. 1965, c. 2043, p. 4712, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.
Dissolution defined, see sec. 56038.

56361. Notice by publication and posting

The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4712, sec. 2.)

56362. Notice by mail

The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each affected county, city or district;

(b) The chief petitioners, if any;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

(Added Stats. 1965, c. 2043, p. 4713, sec. 2.)

56363. Hearing; continuance

The hearing on the proposed dissolution shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such dissolution. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added Stats. 1965, c. 2043, p. 4713, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56364. Conduct of hearing; withdrawal of protests

At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added Stats. 1965, c. 2043, p. 4713, sec. 2.)

56365. Factors considered; findings

Factors to be considered by the board of supervisors in a proposed dissolution shall include:

(a) Whether there has been a nonuser of corporate powers of such district, as specified in Section 56174 and a reasonable probability that such nonuser may continue.

(b) Whether the proposed dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

(c) The commission's resolution making determinations.

(d) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

(e) Any other matters which the board of supervisors deems material.

Except as hereinafter provided, the board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

(Added Stats. 1965, c. 2043, p. 4713, sec. 2.)

56366. Determinations

Not later than 30 days after the conclusion of the hearing and subject to the limitations of Section 56368, the board of supervisors shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed dissolution;

(b) Ordering such dissolution made without election; or

(c) Ordering such dissolution, subject to confirmation by the voters upon the question of such dissolution.

(Added Stats. 1965, c. 2043, p. 4713, sec. 2.)

56367. Findings

In any resolution ordering a dissolution, the board of supervisors, shall make findings upon one or more of the following matters:

(a) That there has been a nonuser of corporate powers, as specified in Section 56174, and a reasonable probability that such nonuser may continue.

(b) That the dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

(c) That the district is a resident-voter district and is uninhabited.

(d) That the board of directors of the district to be dissolved has, by unanimous resolution, consented to the dissolution of the district.

(Amended by Stats. 1968, c. 920, p. 2384, sec. 47; Stats. 1975, c. 861.)

56368. Resolution ordering dissolution; necessity of election

In any resolution ordering the dissolution of a district where a finding has been made pursuant to subdivision (a), (c), or (d) of Section 56367, the board of supervisors may order such dissolution either without election or subject to confirmation by the voters upon the question of such dissolution. In all other cases, such resolution shall order such dissolution subject to confirmation by the voters upon the question of such dissolution.

(Amended by Stats. 1975, c. 861, eff. 1-1-76)

56369. Resolution ordering dissolution; terms and conditions

A resolution ordering the dissolution of a district shall contain all terms and conditions imposed upon such dissolution.

(Added Stats. 1965, c. 2043, p. 4714, sec. 2.)

56370. Resolution based on election results

After the canvass of the returns of any election on the question of dissolution, the board of supervisors shall adopt a resolution either (i) confirming the prior order of dissolution, if a majority of the votes cast upon such question are in favor of such dissolution, or (ii) determining the prior order of dissolution to have been defeated by failure to receive the required vote.

(Added Stats. 1965, c. 2043, p. 4714, sec. 2.)

Chapter 5

CONSOLIDATION

Section	
**56380.	Resolution initiating proceedings.
56381.	Notice by publication and posting.
56382.	Notice by mail.
56383.	Hearing; continuance.
56384.	Conduct of hearing; withdrawal of protests.
56385.	Factors considered; findings.
**56386.	Determinations.
56387.	District name.
56388.	Resolution based on election results.

(Chapter 5 added by Stats. 1965, c. 2043)

**Section amended by Stats. 1981

56380. Resolution initiating proceedings

The board of supervisors, *unless authorized by the commission pursuant to Section 56261.1,* shall adopt a resolution initiating proceedings for consolidation, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the names of all districts proposed to be consolidated, the name, if any, of the proposed new consolidated district, and the county or counties in which the same are located.

(b) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(c) State the reason or reasons for the proposed consolidation, as set forth in the proposal therefor.

(d) Set forth any terms and conditions of the proposed consolidation.

(e) Fix a time, date and place of hearing on the proposed consolidation which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said consolidation shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by *** *the landowner*; a protest by a voter shall contain the residential address of such voter.

(Amended by Stats. 1981, c. 961)

56381. Notice by publication and posting

The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4714, sec. 2.)

56382. Notice by mail

The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each district proposed to be consolidated;

(b) Other affected counties, cities and districts;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

56383. Hearing; continuance

The hearing on the proposed consolidation shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such consolidation. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56384. Conduct of hearing; withdrawal of protests

At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

56385. Factors considered; findings

Factors to be considered by the board of supervisors in a proposed consolidation shall include:

(a) Whether the proposed consolidation will be for the interest of landowners or present or future inhabitants within each of the districts proposed to be consolidated;

(b) The commission's resolution making determinations;

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5; and

(d) Any other matters which the board of supervisors deems material.

The board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

56386. Determinations

Not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed consolidation;

(b) Ordering such consolidation, subject to confirmation by the voters upon the question of such consolidation;

(c) Ordering the proposed consolidation without election when authorized by the commission pursuant to Section 56261.1.

(Amended by Stats. 1981, c. 961)

56387. District name

Any resolution of the board of supervisors ordering a consolidation subject to confirmation by the voters at an election or elections provided therefor shall designate the name of each district ordered to be consolidated and the name, if any, of the proposed new consolidated district.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

56388. Resolution based on election results

After the canvass of the returns of the elections upon the question of consolidation, the board of supervisors shall adopt a resolution either confirming the order of consolidation, if a majority of the votes cast on such question in each district ordered to be consolidated favored such consolidation, or determining the order of consolidation defeated by failure to receive the required vote.

(Added Stats. 1965, c. 2043, p. 4715, sec. 2.)

Chapter 6

MERGERS AND ESTABLISHMENT OF SUBSIDIARY DISTRICTS

Article		Section
1.	General	56400
2.	Proceedings by Board of Supervisors	56410

(Chapter 6 added by Stats. 1965, c. 2043, p. 4716, sec. 2.)

Article 1

GENERAL

Section

56400. Termination of automatic merger doctrine; pending matters; validation of past mergers.

56401. District of limited powers; merger with or subsidiary of city.

56402. District of limited powers; order of merger.

**56403. District of limited powers; order establishing as subsidiary district.

56404. District of limited powers; boundaries.

56405. Alternative requests for merger or establishment as subsidiary district.

(Article 1 added by Stats. 1965)

**Section amended by Stats. 1982.

56400. Termination of automatic merger doctrine; pending matters; validation of past mergers

The Legislature hereby declares that the doctrine of automatic merger of a district with a city or the merger by operation of law of a district with a city shall have and be given no further force or effect. The existence of a district shall not be extinguished or terminated as a result of the entire territory of such district being heretofore or hereafter included within a city unless such district be merged with such city as a result of proceedings taken pursuant to this division. If on the effective date of this division there shall be any pending action or proceeding seeking or contesting a determination, judgment or decree that there has been in automatic merger by operation of law of a district with a city, or the merger by operation of law of a district with a city, the foregoing provisions of this section shall have no application thereto and the court may in any such legal proceedings make and enter judgment in accordance with the law existing prior to the effective date of this division. Any merger of a district with a city, as a result of automatic merger or merger by operation of law, which shall have been heretofore adjudged by final judgment or decree of a court of competent jurisdiction or heretofore affirmed, directly or indirectly, by any action, conduct or proceedings of both the board of directors of a district and the city council of a city, is hereby confirmed and validated.

(Added Stats. 1965, c. 2043, p. 4716, sec. 2.)

Cross References

Merger defined, see sec. 56054.

56401. District of limited powers; merger with or subsidiary of city

A district of limited powers may be either merged with or established as a subsidiary district of a city in the manner provided in this chapter.

(Added Stats. 1965, c. 2043, p. 4716, sec. 2.)

56402. District of limited powers; order of merger

An order of merger may be adopted for a district of limited powers, including any such district theretofore established as a subsidiary district, if the entire territory of such district shall be included within the boundaries of a city upon the date of such order.

(Added Stats. 1965, c. 2043, p. 4716, sec. 2.)

56403. District of limited powers; order establishing as subsidiary district

An order establishing a district of limited powers as a subsidiary district may be adopted if upon the date of such order either of the conditions specified in subdivision (a) or (b) is satisfied:

(a) The entire territory of such district shall be included within the boundaries of a city.***

(b) A portion or portions of the territory of such district *** are included within the boundaries of a city and such portion or portions shall both:

(1) Represent 70 percent or more of the area of *** land within *** the district, as *** determined by reference to the statements and the maps or plats filed pursuant to Chapter 8 (commencing with Section 54900) of Division 2 of Title 5 for the current fiscal year.

(2) Contain 70 percent or more of the number of registered voters who reside within the district as shown on the voters' registrar in the office of the county clerk or registrar of voters.

(Amended by Stats. 1967, c. 920; Stats. 1970, c. 464; Stats. 1976, c. 959, eff. 1-1-77; Stats. 1982, c. 455)

56404. District of limited powers; boundaries

For the purposes of Sections 56402 and 56403, the boundaries shall be determined as of the date of adoption of said order of the board of supervisors. Any then pending but uncompleted proceedings for changes in the boundaries of said city or district shall be disregarded.

(Added Stats. 1965, c. 2043, p. 4717, sec. 2.)

56405. Alternative requests for merger or establishment as subsidiary district

Except for a proposal for the merger of a then existing subsidiary district, any proposal for a change of organization authorized by this chapter shall contain a request in the alternative, that is, it shall request either a merger or the establishment of a subsidiary district, as may be determined during the course of the proceedings. Any proposal requesting only merger shall be deemed to also include a request for the establishment of a subsidiary district and any proposal requesting only the establishment of a subsidiary district shall be deemed to also include a request for merger.

(Added Stats. 1965, c. 2043, p. 4717, sec. 2.)

Article 2

PROCEEDINGS BY BOARD OF SUPERVISORS

Section	
**56410.	Resolution initiating proceedings.
56411.	Notice by publication and posting.
56412.	Notice by mail.
56413.	Hearing; continuance.
56414.	Conduct of hearing; withdrawal of protests.
56415.	Factors considered; findings.
56416.	Final actions; disapproval or order.
56417.	Resolution ordering merger or establishment of subsidiary district; terms; election questions.
56418.	Petition for election only in district; examination; number of signatures.
56419.	Resolution based on election results.
56420.	Confirmatory resolution; merger.
56421.	Confirmatory resolution; establishment of subsidiary district.

(Article 2 added by Stats. 1965, c. 2043)

**Amended by Stats. 1981

56410. Resolution initiating proceedings

The board of supervisors, *unless authorized by the commission pursuant to Section 56261.1,* shall adopt a resolution initiating proceedings for a merger or establishment of a subsidiary district, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the names of the city and the district which is the subject of the proposed merger or establishment of a subsidiary district.

(b) State whether the proceedings pertain (i) to a then existing subsidiary district proposed to be merged with the city or (ii) to a nonsubsidiary district proposed to be merged with or established as a subsidiary district of said city, as may be determined during the course of the proceedings.

(c) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(d) State the reason or reasons for the proposed merger or establishment of a subsidiary district, as set forth in the proposal therefor.

(e) Set forth any terms and conditions of the proposed merger or establishment of a subsidiary district.

(f) Fix a time, date and place of hearing on the proposed merger or establishment of a subsidiary district, which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(g) State that any interested person desiring to make written protest shall do so by

written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by *** *the landowner*; a protest by a voter shall contain the residential address of such voter.

(Amended by Stats. 1981, c. 961)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56411. Notice by publication and posting

The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4717, sec. 2.)

56412. Notice by mail

The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each city and district which is the subject of the proposed merger or establishment of a subsidiary district;

(b) Other affected counties, cities and districts;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

(Added Stats. 1965, c. 2043, p. 4718, sec. 2.)

56413. Hearing; continuance

The hearings on the proposed merger or establishment of a subsidiary district shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such merger or establishment of a subsidiary district. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added Stats. 1965, c. 2043, p. 4718, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56414. Conduct of hearing; withdrawal of protests

At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added Stats. 1965, c. 2043, p. 4718, sec. 2.)

56415. Factors considered, findings

Factors to be considered by the board of supervisors in a proposed merger or establishment of a subsidiary district shall include:

(a) Whether the proposed merger or establishment of a subsidiary district will be for the interest of landowners or present or future inhabitants within the district and the city.

(b) The commission's resolution making determinations.

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

(d) Any other matters which the board of supervisors deems material.

The board of supervisors shall not be required to make express recitals or findings concerning any factors considered by it.

(Added Stats. 1965, c. 2043, p. 4718, sec. 2.)

56416. Final actions; disapproval or order

Subject to the limiations of Sections 56402 and 56403, upon the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following final actions:

(a) Disapproval of a merger or the establishment of a subsidiary district, or both; or

(b) The ordering of a merger or the establishment of a subsidiary district, or both, subject to confirmation by the voters upon the questions, as the case may be, of (i) merger, (ii) the establishment of a subsidiary district, or (iii) both.

(c) The ordering of a merger or the establishment of a subsidiary district without an election, provided that both the city council and the district board of directors shall have filed with the board of supervisors at the time of the hearing provided for in Section 56413 a resolution consenting to the merger or the establishment of the subsidiary district.

(Amended Stats. 1967, c. 920, p. 2385, sec. 49.5.)

56417. Resolution ordering merger or establishment of subsidiary district; terms; election questions

In any resolution ordering a merger or the establishment of a subsidiary district, subject to confirmation of the voters, the board of supervisors may provide for an election or elections to be called, held and conducted upon such question or questions:

(a) Only within the district ordered to be merged with or established as a subsidiary district of a city; or

(b) Both within said district and within the territory of said city outside the boundaries of said district.

(Added Stats. 1965, c. 2043, p. 4718, sec. 2.)

56418. Petition for election only in district; examination; number of signatures

At any time prior to the adoption by the board of supervisors of a resolution ordering the district to be merged with or established as a subsidiary district of a city, a petition may be filed with the clerk of the county referring, by date of adoption, to the commission's resolution making determinations and requesting that any election upon such question be called, held and conducted only within such district. Any such petition so filed shall be immediately examined and certified by the clerk of the county by the same method and in the same manner as provided in Sections 56158 to 56162, inclusive, for the examination of petitions by the executive officer. The board of supervisors shall call, hold and conduct any election upon the question of a merger or the establishment of a subsidiary district only within the district to be merged or established as a subsidiary district, if the clerk of the county shall certify that any petition so filed was signed:

(a) In the case of a resident-voter district, by not less than 10 percent of the resident voters of such district; or

(b) In the case of a landowner-voter district, by not less than 10 percent of the number of landowner-voters within the district who also own not less than 10 percent of the assessed value of land within such district.

(Added Stats. 1965, c. 2043, p. 4719, sec. 2.)

56419. Resolution based on election results

After the canvass of the returns upon the question of merger or the establishment of a subsidiary district, or both, the board of supervisors shall adopt (i) one of the confirmatory resolutions provided by Sections 56420 and 56421, or (ii) a resolution determining the order of merger or establishment of a subsidiary district, as the case may be, defeated by failure to receive the required vote.

(Added Stats. 1965, c. 2043, p. 4719, sec. 2.)

56420. Confirmatory resolution; merger

The board of supervisors shall adopt a resolution confirming a prior order of merger in the following cases:

(a) Where the only question submitted was upon merger and a majority of the votes cast thereon favored merger:

(1) At an election called only within the district; or

(2) At each election, where one election was called within the district and another within the territory of the city outside the boundaries of said district.

(b) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called only within the district and the results of such election were as follows:

(1) The question of merger was favored by a majority of the votes cast thereon but the question of establishment of a subsidiary district failed to be favored by a majority of the votes cast thereon;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon but the question of merger was favored by the same or a greater number of votes than was the question of the establishment of a subsidiary district.

(c) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called within the district and at another election called within the territory of the city outside the boundaries of said district, and the results of such elections were as follows:

(1) The question of merger was favored by a majority of the votes cast thereon at each of the respective elections, but the question of the establishment of a subsidiary district failed to be favored by a majority of the votes cast thereon at either one or both of such elections;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon at each of the respective elections, but the question of merger was favored at either one or both of such elections by the same or a greater number of votes than was the question of the establishment of a subsidiary district.

(Added Stats. 1965, c. 2043, p. 4719, sec. 2.)

56421. Confirmatory resolution; establishment of subsidiary district

The board of supervisors shall adopt a resolution confirming a prior order for the establishment of a subsidiary district in the following cases:

(a) Where the only question submitted was upon the establishment of a subsidiary district and a majority of the votes cast thereon favored such establishment:

(1) At an election called only within the district; or

(2) At each election, where one election was called within the district and another within the territory of the city outside the boundaries of said district.

(b) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called only within the district and the results of such election were as follows:

(1) The question of establishment of a subsidiary district was favored by a majority of the votes cast thereon but the question of merger failed to be favored by a majority of the votes cast thereon;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon but the question of the establishment of a subsidiary district was favored by a greater number of votes than was the question of merger.

(c) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called within the district and at another election called within the territory of the city outside the boundaries of said district, and the results of such elections were as follows:

(1) The question of the establishment of a subsidiary district was favored by a majority of the votes cast thereon at each of the respective elections, but the

question of merger failed to be favored by a majority of the votes cast thereon at either one or both of such elections;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon at each of the respective elections, but the question of the establishment of a subsidiary district was favored at both such elections by a greater number of votes than was the question of merger.

(Added Stats. 1965, c. 2043, p. 4720, sec. 2.)

Chapter 7

REORGANIZATION

Section	
56430.	Resolution initiating proceedings.
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56432.	Notice by mail.
56433.	Hearing; continuance.
56434.	Conduct of hearing; withdrawal of protests.
56435.	Factors considered; findings.
56436.	Exclusion of lands.
**56437.	Denial of right of majority protest, exception; orders subject to confirmation of voters.
56438.	Majority protest; limited availability; effect; order without election.
*56438.1	Incorporation of new city in reorganization; protest.
56439.	Resolution of disapproval or ordering reorganization.
56439.5	Resolution ordering reorganization without notice, hearing, and election.
56440.	Election; call; provision for; territory included.
56441.	Repealed.
56442.	Repealed.
56443.	Resolution based on election results.
56443.1	Majority vote in annexing city.
56444.	Reorganization involving only annexations and detachments; termination of proceedings; time for new proposal.

(Chapter 7 added by Stats. 1965)

*Added by Stats. 1981
**Amended by Stats. 1981

56430. Resolution initiating proceedings

The board of supervisors shall adopt a resolution initiating proceedings for a reorganization, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the name of each subject district for which any change of organization is proposed and the county or counties in which the same is located.

(b) Briefly describe the particular change or changes of organization proposed for each of the subject districts, any new districts proposed to be formed and any terms and conditions to be applicable thereto; reference may be made to the commission's resolution making determinations for a full and complete description of said changes of organization, formation of new districts, if any, and said terms and conditions.

(c) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(d) State the reason or reasons for the proposed reorganization, as set forth in the proposal therefor.

(e) Fix a time, date and place of hearing on the proposed reorganization which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said reorganization shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

(Added Stats. 1965, c. 2043, p. 4721, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.
Reorganization defined, see sec. 56068.

56431. Notice by publication and posting

The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

(Added Stats. 1965, c. 2043, p. 4721, sec. 2.)

56432. Notice by mail

The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) All landowners owning land within any territory proposed to be formed into or to be annexed to or detached from (i) a benefit district, or (ii) an improvement district within any district;

(b) Each subject district;

(c) All other affected counties, cities or districts;

(d) The chief petitioners, if any;

(e) Each person who shall have theretofore filed a request for special notice with the clerk of the county.

(Added Stats. 1965, c. 2043, p. 4721, sec. 2.)

56433. Hearing; continuance

The hearing on the proposed reorganization shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such reorganization. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

(Added Stats. 1965, c. 2043, p. 4722, sec. 2.)

Cross References

Continuance of hearing, authorization, see sec. 56253.

56434. Conduct of hearing; withdrawal of protests

At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

(Added Stats. 1965, c. 2043, p. 4722, sec. 2.)

56435. Factors considered; findings

Factors to be considered by the board of supervisors in a proposed reorganization shall include:

(a) As to each particular type of change of organization contained in the proposed reorganization, any of the factors authorized to be considered by a legislative body in a proceeding for such type of change of organization;

(b) Whether the proposed reorganization will be for the interest of affected counties, cities and districts and landowners or present or future inhabitants therein;

(c) The commission's resolution making determinations;

(d) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5; and

(e) Any other matters which the board of supervisors deems material.

The board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

(Added Stats. 1965, c. 2043, p. 4722, sec. 2.)

56436. Exclusion of lands

If any change of organization contained in a proposed reorganization shall provide for the formation of, or the annexation or detachment of territory to or from, a benefit district, or if the terms and conditions of any change of organization provide for the formation of a new improvement district, or the annexation or detachment of territory to or from an existing improvement district, the board of supervisors shall:

(a) Exclude any lands proposed to be formed into or to be annexed to a benefit district or improvement district which said board finds will not be benefited by becoming a part of such benefit district or improvement district;

(b) Exclude any lands proposed to be detached from a benefit district or improvement district which said board finds will be benefited by remaining a part of said benefit district or improvement district.

(Added Stats. 1965, c. 2043, p. 4722, sec. 2.)

56437. Denial of right of majority protest, exception; orders subject to confirmation by voters

Except as otherwise provided in *** *Sections* 56438 *and 56438.1*, there shall be no right of majority protest upon a proposed reorganization and all orders of reorganization shall be made subject to confirmation of the voters upon the question of such reorganization.

(Amended by Stats. 1981, c. 961)

56438. Majority protest; limited availability; effect; order without election.

Where a proposed reorganization consists solely of annexations, detachments, minor boundary changes, or formation of county service areas, or any combination thereof, a majority protest shall be deemed to exist and the proposed reorganization shall be abandoned if the board of supervisors finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) In the case of uninhabited territory,* more than 50 percent of the assessed value of land within such territory;** or

(b) In the case of inhabited territory,* more than 50 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

If there is no such majority protest, the board of supervisors shall not order such reorganization without election, unless the board of supervisors finds:

(1) In the case of a resident-voter district, that such territory is uninhabited or in the case of a landowner-voter district, that the territory is uninhabited and the written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning less than 25 percent of the assessed value of land therein; or

(2) In the case of inhabited territory, that written protests filed and not withdrawn represent:

(a) Less than 25 percent of the number of landowners within such** territory, owning not more than 25 percent of the assessed value of land therein; and

(b) Less than 25 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

(Amended by Stats. 1977, c. 90; Stats. 1978, c. 76, urgency, effective April 7, 1978.)

*AB 320 (Craven)
**AB 1531 (Knox)

56438.1 Incorporation of new city in reorganization; protest

Where a proposed reorganization includes the incorporation of a new city, Section 35257 shall apply.

(Added by Stats. 1981, c. 961)

56439. Resolution or disapproval or ordering reorganization

Not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following actions:

(a) Disapproval of the proposed reorganization; or

(b) The ordering of such reorganization, subject to confirmation of the voters upon the question thereof; or

(c) The ordering of such reorganization without an election in compliance with the provisions of Section 56438.

(Amended Stats. 1967, c. 920, p. 2386, sec. 51.)

56439.5 Resolution ordering reorganization without notice, hearing, and election

When approved and authorized by the commission pursuant to the provisions of Section 56261, the board of supervisors may adopt a resolution ordering a reorganization consisting solely of annexations or detachments, or both, (i) without notice and hearing by the board of supervisors, (ii) without an election, or (iii) both, as may be specified by the commission.

(Added by Stats. 1977, c. 90)

56440. Election; call; provision for; territory included

In any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall call and provide for an election to be held and conducted:

(a) Within the entire territory of each district ordered to be formed, dossolved or consolidated;

(b) Within the entire territory of each district and city, where such district has been ordered merged with or established as a subsidiary district of such city; and

(c) Within any territory ordered annexed to or detached from a district; and

(d) Subject to compliance with any commission order pursuant to Section 56252.1, both within the territory proposed to be reorganized and within the territory of any city to which territory is proposed to be annexed.

(Amended by Stats. 1975, c. 260; urgency, eff. 7-11-75)

56441. Determination of major district or major territory; names or boundary descriptions of districts

Prior to adopting any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall determine whether any single subject district constitutes a major district as defined in Section 56442. If it is determined that a major district exists, any resolution ordering a reorganization subject to confirmation of the voters shall designate the major district, either by name or boundary description, and all minor districts, either by name or boundary descriptions.

(Amended Stats. 1970, c. 270, p. 530, sec. 3, urgency, effective June 29, 1970; Stats. 1972, c. 340, p.640, sec. 6.)

56442. Major district defined; voting power

A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts. A "minor district" means any subject district which is not a major district. No "major district" shall be deemed to exist: (i) where the territory of a single subject district overlaps the entire territory covered by the proposed reorganization, or, (ii) where the reorganization, as defined in subdivision (b) of Section 56068 affects only a single subject district. The voting power of the respective subject districts shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) If the election is to be called and held within any territory ordered annexed to or detached from a subject district, the voting power of such district shall be determined with respect only to the territory ordered annexed or detached and not the entire territory of such district.

(c) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(d) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(e) If the subject districts consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the

Elections Code, next preceding the date of the election nor later than such close of registration, as the board of supervisors may specify.

(Amended Stats. 1967, c. 920, p. 2386, sec. 52; Stats. 1970, c. 270, p. 531, sec. 4, urgency, effective June 29, 1970; Stats. 1970, c. 1249, p. 2257, sec. 16; Stats. 1972, c. 340, p.640, sec. 7.)

56443. Resolution based on election results

After the canvass of the returns of the special election upon the question of reorganization, the board of supervisors shall adopt a resolution either:

(a) Confirming the order of reorganization,

(1) Where there was no major district and such question was favored by a majority of the votes cast thereon within the entire territory within which said election was held, or

(2) Where there was a major district and such question was favored (i) by a majority of the votes cast thereon within the major district and (ii) by a majority of the combined votes cast thereon within all of the minor districts; or

(b) Determining the order of reorganization defeated by failure to receive the required vote.

(Amended Stats. 1970, c. 270, p. 532, sec. 5, urgency, effective June 29, 1970; Stats. 1972, c. 340, p. 641, sec. 8.)

56443.1 Majority vote in annexating city

In addition to the vote required by subdivision (a) of Section 56443, in all instances where Sections 56252.1 and 56440 are applicable, the question of reorganization shall also be favored by a majority of the votes cast within the territory of any city to which territory is proposed to be annexed.

(Added by Stats. 1975, c. 260; urgency, eff. 7-11-75)

Chapter 8

COMPLETION AND EFFECTIVE DATE OF A CHANGE OF ORGANIZATION OR REORGANIZATION

Section

56450.	Filings by clerk; time.
56451.	Certificate of completion; preparation and execution; contents.
***56452.	Repealed.
**56453.	Recording certificates of completion and filing.
**56454.	Completion date.
56455.	Effective date; no specification.
**56456.	Effective date; specification in terms and conditions; restrictions.
**56457.	Filings for tax purposes.

(Chapter 8 added by Stats. 1965, c. 2043)

Cross References

Application of chapter to utility district annexing noncontiguous territory, see Public Utilities Code section 17380

**Section amended by Stats. 1978

***Section repealed by Stats. 1978

56450. Filings by clerk; time

Immediately after adoption of a resolution ordering a change of organization or reorganization without election, or a resolution confirming an order for a change of organization or reorganization after confirmation by the voters, the clerk of the legislative body adopting any such resolution shall transmit a certified copy of such resolution along with a remittance to cover the fees required by Section 54902.5 to the executive officer of the commission of the principal county. The executive officer shall examine such resolution and determine whether it is in compliance with boundaries, modifications and conditions specified by the commission in its resolution making determinations.

(a) If the resolution ordering the change of organization or reorganization is determined not to be in compliance, the executive officer shall specify in writing the points of noncompliance, and return the resolution to the appropriate agency for modification.

(b) If the resolution ordering the change of organization or reorganization is determined to be in compliance, the executive officer shall prepare and execute a certificate of completion and shall make the filings required by this chapter.

(Added Stats. 1965, c. 2043, p. 4725, sec. 2; Amended Stats. 1976, c. 959, eff. Jan. 1, 1977)

56451. Certificate of completion; preparation and execution; contents.

The certificate of completion shall contain:

(a) The names of each district or city for which a change of organization was ordered and the names of each county within which any of said districts or cities are located.

(b) The kind or type of change of organization ordered for each such city or district.

(c) A description of the boundaries of any new district ordered formed or of any territory ordered to be annexed to or detached from any existing district, which description may be made by reference to the boundaries shown on a map attached to such certificate.

(d) Any terms and conditions of the change of organization or reorganization.

(e) The date of adoption of the resolution ordering the change of organization or reorganization without election or the resolution confirming an order for a change of organization or reorganization after confirmation by the voters.

If any such resolution contains all or any part of the information required to be contained in the above certificate, the executive officer of the commission may attach a certified copy of said resolution to his certificate and refer to said resolution for such information.

(Added Stats. 1965, c. 2043, p. 4725, sec. 2. Amended Stats. 1976, c. 959, eff. Jan. 1, 1977)

56452. *Section repealed by Stats. 1978, c. 76, urgency, effective April 7, 1978.*

56453. Recording certificates of completion and of filing.

The executive officer of the commission shall record a certified copy of the certificate of completion with the county recorder of each county in which all or any part of the boundaries of any new district formed or any territory ordered to be annexed to or detached from such district is located, and shall file a certified copy of the certificate of completion, indicating the recording numbers affixed by the county recorder, with the clerk of the legislative body adopting the resolution ordering the change of organization or reorganization.

After recordation of the executive officer's certificate of completion, the recorder shall file with the county surveyor a copy of the boundary description included in the certificate of completion as provided by sudivision (c) of Section 56451.

(Amended by Stats. 1978, c. 76, urgency, eff. April 7, 1978)

56454. Completion date

The change of organization or reorganization shall be complete from the date of execution of the certificate of completion of proceedings and effective from the dates specified in Sections 56455 and 56456.

(Amended by Stats. 1978, c. 76, urgency, eff. April 7, 1978)

56455. Effective date; no specification

If no effective date shall have been fixed in any of the terms and conditions, the effective date of a change of organization or a reorganization shall be the date of the recordation made with the county recorder and, if filed with the recorder of more than one county, the date of the last such recordation.

(Added Stats. 1965, c. 2043, p. 4725, sec. 2.)

Cross References

Fixing effective date in terms and conditions, see sec. 56470.

56456. Effective date; specification in terms and conditions; restrictions

If an effective date is fixed in the terms and conditions, such date shall be the effective date of a change of organization or reorganization.

No effective date shall be fixed which will be:

(a) Earlier than the date of execution of the certificate of completion.

(b) Later than the earlier of:

(1) One year after the date of the execution of the certificate of completion, or

(2) The due date of any taxes or assessments levied upon property within the territory which was the subject of the change of organization or reorganization.

(Amended by Stats. 1978, c. 76, urgency, eff. April 4, 1978)

56457. Filings for tax purposes

The executive officer of the commission shall also make such filings as may be provided for by Chapter 8 (commencing with Section 54900), Part 1, Division 2, of Title 5.

(Amended by Stats. 1978, c. 76, urgency, effective April 7, 1978.)

NOTE: The 1978 amendment deleted the words "and for such purpose a change of organization or reorganization shall be deemed to be effective from the date of filing of the certificate of completion with the Secretary of State."

Chapter 9

TERMS AND CONDITIONS; EFFECT OF CHANGE OF ORGANIZATION OR REORGANIZATION

Article		Section
1.	General	56470
2.	Annexations	56480
3.	Detachments	56490
4.	Dissolutions	56500
5.	Consolidation	56520
6.	Mergers and the Establishment of Subsidiary Districts	56530
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(Chapter 9 added by Stats. 1965, c. 2043, p. 4726, sec. 2.)

Article 1

GENERAL

Section

**56470. Permitted terms and conditions.

56471. Application of general provisions and specific terms and conditions.

56472. Proposed terms and conditions; submission.

56473. Application of terms and conditions to designated territory.

56474. Application of terms and conditions to city or county; indebtedness or liability.

56475. Bonded indebtedness.

(Article 1 added by Stats. 1965, c. 2043)

**Section amended by Stats. 1982

56470. Permitted terms and conditions

Any change of organization or reorganization may provide for, or be made subject to one or more of, the following terms and conditions, provided that any of the following terms and conditions shall not directly regulate land use, property development, or subdivision requirements:

(a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city, county, or district.

(b) The levying or fixing and the collection of (1) special, extraordinary, or additional taxes or assessments, or (2) special, extraordinary, or additional service charges, rentals, or rates, or (3) both, for the purpose of providing for any payment required pursuant to subdivision (a) of this section.

(c) The imposition, exemption, transfer, division, or apportionment, as among any affected cities, counties, districts, and territory of liability for payment of all or any part of principal, interest, and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district or any improvement district therein and the levying or fixing and the collection of any (1) taxes or assessments, or (2) service charges, rentals, or rates or (3) both in the same manner as provided in the original authorization of the bonds and in the amount necessary to provide for such payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, county, or district for payment of the principal of any bonded indebtedness shall be increased or decreased, the term and condition may specify the amount, if any, of such increase or decrease which shall be included in, or excluded

from, the outstanding bonded indebtedness of any such agency for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of such agency.

(e) The formation of a new improvement district or districts or the annexation or detachment of territory to, or from, any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by, or on behalf of, all or any part of any district, including territory being annexed to any district, or of anyexisting or proposed new improvement district therein. The new indebtedness may be the obligation solely of territory to be annexed provided the district has the authority to establish zones for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the district.

(g) The issuance and sale of any bonds, including authorized but unissued bonds of a subject district, either by such district or by a district designated as the successor to any district which shall be extinguished as a result of any change of organization or reorganization.

(h) The acquisition, improvement, disposition, sale, transfer, or division of any property, real or personal.

(i) The disposition, transfer, or division of any moneys or funds (including cash on hand and moneys due but uncollected) and any other obligations.

(j) The fixing and establishment of priorities of use or right of use of water, or capacity rights in any public improvements or facilities or of any other property, real or personal.

(k) The establishment, continuation, or termination of any office, department, or board, or the transfer, combining, consolidation, or separation of any offices, departments, or boards, or any of the functions thereof, if, and to the

extent that, any such matters shall be authorized by the principal act.

(l) The employment, transfer, or discharge of employees, the continuation, modification, or termination of existing employment contracts, civil service rights, seniority rights, retirement rights, and other employee benefits and rights.

(m) The designation of a city, county, or district, as the successor to any district which shall be extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties, and obligations of the extinguished district with respect to enforcement, performance or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of said extinguished district.

(n) The designation (1) of the method for the selection of members of the legislative body of a district or (2) the number of such members, (3) or both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of such selection or for varying numbers of such members, or both.

(o) The initiation, conduct, or completion of proceedings on a proposal made under and pursuant to the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773) of Division 2, Title 5.

(p) The fixing of the effective date of any change of organization, subject to the limitation of Section 56456.

(q) Any terms and conditions authorized or required by the principal act with respect to any change of organization.

(r) The continuation or provision of any service currently provided or previously authorized by official act of the district to be provided.

(s) The levying of a benefit assessment or the approval by the voters of *** a special tax.

(t) Any other matters necessary or incidental to any of the foregoing.

(Amended by Stats. 1981, c. 174, urgency, effective July 13, 1981; Stats. 1982, c. 1396 and c. 1420)

56471. Application of general provisions and specific terms and conditions

The general provisions of Articles 2 (commencing with Section 56480) to 7 (commencing with Section 56550), inclusive, of this chapter shall apply only if and to the extent that the terms and conditions of any change of organization or reorganization shall fail to make specific provision for any of the matters referred to in said articles. If a change of organization or a reorganization shall specifically provide for and be made subject to any of the terms and conditions authorized by Section 56470, such specific terms and conditions shall control over the general provisions of said Articles 2 to 7, inclusive, of this chapter. Any of said terms and conditions may be provided for and be made applicable to any affected county, city or district, to all or any part of the territory thereof, to any territory proposed to be annexed thereto and to the owner or owners of property within any such territory.

(Added Stats. 1965, c. 2043, p. 4728, sec. 2.)

56472. Proposed terms and conditions; submission

Proposed terms and conditions for a change of organization or a reorganization may be contained in any proposal therefor. At any time prior to completion of a change of organization or a reorganization, proposed terms and conditions or proposed additions, deletions, amendments or revisions of any terms and conditions proposed to or specified by the commission may be submitted to the commission pursuant to Section 56275.

(Amended Stats. 1970, c. 1249, p. 2258, sec. 17.)

56473. Application of terms and conditions to designated territory

Any of the terms and conditions authorized by Section 56470 may be made applicable to all or any part of any district or any improvement district therein or any territory annexed to or detached from any such district or improvement district therein.

(Added Stats. 1965, c. 2043, p. 4728, sec. 2.)

56474. Application of terms and conditions to city or county; indebtedness or liability

If any change of organization or reorganization shall pertain to district territory which shall be located, in whole or in part, within the boundaries of any city or county, any terms and conditions authorized by Section 56470 may be made applicable to such city or county; provided, that no indebtedness or liability which shall be subject to the requirement of an election, under the provisions of Section 18 of Article XI of the Constitution, shall be incurred or assumed by any city or county, except as provided in said Section 18 of Article XI.

(Added Stats. 1965, c. 2043, p. 4728, sec. 2.)

56475. Bonded indebtedness

If no determination is made pursuant to subdivision (d) of Section 56470, the principal amount of bonded indebtedness which may be incurred or assumed by any city, county or district, under any statute or charter provision imposing a limitation thereon, shall not be affected by any change of organization or a reorganization.

(Added Stats. 1965, c. 2043, p. 4728, sec. 2.)

Article 2

ANNEXATIONS

Section

56480. Jurisdiction; rights and duties.

56481. Free use of district property.

56482. Liability on new bonds; taxes, assessments and service charges.

(Article 2 added by Stats. 1965, c. 2043, p. 4729, sec. 2.)

Cross References

Annexation defined, see sec. 56024.

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Controlling effect of specific terms and conditions, see sec. 56471.

Reorganizations, application of article, see sec. 56550.

56480. Jurisdiction; rights and duties

Upon and after the effective date of an annexation, the territory annexed to a district, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within such territory shall be subject to the jurisdiction of such district and, except as otherwise provided in this article, shall have the same rights and duties as if said territory had been a part of such district upon its original formation.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

56481. Free use of district property

No payment for the use or right of use of the existing property, real or personal, of any district shall be required by reason of the annexation of territory to such district.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

56482. Liability on new bonds; taxes, assessments and service charges

Any territory annexed to a district shall be liable for payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of said district, but not of any improvement district therein, and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

Article 3

DETACHMENTS

Section

56490. Jurisdiction; rights and duties.

56491. Loss of rights to funds.

56492. Liability on outstanding bonds, etc.

(Article 3 added by Stats. 1965, c. 2043, p. 4729, sec. 2.)

Cross References

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Controlling effect of specific terms and conditions, see sec. 56471.

Reorganizations, application of article, see sec. 56550.

56490. Jurisdiction; rights and duties.

Except as otherwise provided in Section 56492, upon and after the effective date of a detachment, the territory detached from a district, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing or owning land within such territory shall cease to be subject to the jurisdiction of said district and shall have none of the rights or duties of the remaining territory, inhabitants or voters of said district.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

56491. Loss of rights to funds

No inhabitant, property owner, taxpayer, consumer or user within territory detached from a district shall be entitled (i) to all or any part or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) or any property, real or personal, of said district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or taxes collected prior to the effective date of the detachment.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

56492. Liability on outstanding bonds, etc.

Territory detached from a district shall continue to be liable for the payment of principal, interest and any other amounts which shall become due on account of any bonds, including revenue bonds, or other contracts or obligations of said district and any improvement district within which said detached territory shall have been situated, as shall be outstanding on the effective date of detachment and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

(Added Stats. 1965, c. 2043, p. 4729, sec. 2.)

Article 4

DISSOLUTIONS

Section

56500. Termination of existence and powers; exception.

56501. Successor for purpose of winding up affairs.

56502. Control of funds.

56503. Powers of successor.

56504. Loss of right to property and funds.

56505. Sale of property; application of proceeds.

56506. Distribution of assets; time; short term obligations; long term obligations.

56507. Distribution of assets; distributees.

56508. Taxes and assessments to meet long term obligations.

56509. Provision for revenue bonds and obligations.

56510. Operation of revenue producing enterprise pending payment of obligations; distribution.

56511. Rights of successor in revenue producing enterprise subject to revenue bonds.

56512. Funds or property impressed with public trust, use or purpose.

56513. Use of funds or property.

(Article 4 added by Stats. 1965, c. 2043, p. 4730, sec. 2.)

Cross References

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Controlling effect of specific terms and conditions, see sec. 56471.

Dissolution defined, see sec. 56038.

Reorganizations, application of article, see sec. 56550.

56500. Termination of existence and powers; exception

Upon and after the effective date of the dissolution of a district, the district shall be dissolved, disincorporated and extinguished, its existence shall be terminated and all of its corporate powers shall cease, except for the purpose of winding up the affairs of said district and as otherwise provided in this article.

(Added Stats. 1965, c. 2043, p. 4730, sec. 2.)

56501. Successor for purpose of winding up affairs

For the purpose of winding up the affairs of a dissolved district, the successor of the dissolved district shall be determined as follows:

(a) If the territory of a dissolved district shall be located entirely within the incorporated territory of a single city, said city shall be the successor.

(b) If the territory of a dissolved district shall be located entirely within the unincorporated territory of a single county, said county shall be the successor.

(c) If the territory of a dissolved district shall be located within the incorporated territory of more than one city or the unincorporated territory of more than one county, or any combination of the incorporated or unincorporated territory of two or more such cities and counties, the successor shall be that city whose incorporated territory or that county whose unincorporated territory shall, upon the effective date of dissolution, contain the greater assessed value of all taxable property within the territory of the dissolved district, as shown on the last equalized assessment roll or rolls of the county or counties.

(d) If the terms and conditions provide that all of the remaining assets of a dissolved district shall be distributed:

(1) To a single existing district, said single existing district shall be the successor; or

(2) To two or more existing districts, the successor shall be that existing district which, upon the effective date of dissolution, contains the greater assessed value of all taxable property within the territory of the dissolved district, as shown on the last equalized assessment roll or rolls of the county or counties.

(Added Stats. 1965, c. 2043, p. 4730, sec. 2.)

56502. Control of funds

Upon the effective date of dissolution control over all of the moneys or funds (including cash on hand and moneys due but uncollected) and all property, real or personal, of said dissolved district shall be vested in the successor for the purpose of winding up the affairs of the district.

(Added Stats. 1965, c. 2043, p. 4730, sec. 2.)

56503. Powers of successor

For the sole and exclusive purpose of winding up the affairs of the dissolved district, the successor and the officers and legislative body of the successor shall have the same powers and duties as the dissolved district and the officers and legislative body of the dissolved district and the following additional powers and duties:

(a) To exchange, sell or otherwise dispose of all property, real and personal, of the dissolved district;

(b) To compromise and settle claims of every kind and nature;

(c) To sue or be sued in the same manner and to the same extent as the dissolved district and the officers and legislative body of the dissolved district.

Such powers and duties shall commence upon the effective date of dissolution and shall continue thereafter until such time as the affairs of said dissolved district shall have been completely wound up.

(Added Stats. 1965, c. 2043, p. 4730, sec. 2.)

56504. Loss of right to property and funds

No inhabitant, property owner, taxpayer, consumer or user within the territory of a dissolved district shall be entitled (i) to all or any part, or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected), and any property, real or personal, of said dissolved district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of dissolution.

(Added Stats. 1965, c. 2043, p. 4731, sec. 2.)

57505. Sale of property; application of proceeds

Any moneys and funds of the dissolved district and any moneys or funds received by the successor from the sale or other disposition of any property, real or personal, of the dissolved district shall be used to the extent necessary, for the payment of principal, interest and any other amounts then or thereafter due on account of any outstanding bonds, including revenue bonds, and other contracts or obligations of said dissolved district.

(Added Stats. 1965, c. 2043, p. 4731, sec. 2.)

Cross References

Use of funds or property, see sec. 56513.

56506. Distribution of assets; time; short term obligations; long term obligations

At such time as the successor shall determine that payment, or provision for payment, has been made of all short-term obligations of the dissolved district, the successor shall distribute any of the remaining assets of the dissolved district in the manner provided in Section 56507. "Short-term" obligations shall include all amounts which shall be due and payable, prior to the end of the fiscal year commencing next after the effective date of dissolution, upon any outstanding bonds, including revenue bonds, and other contracts or obligations of the dissolved district. All other obligations shall be "long-term" obligations.

(Added Stats. 1965, c. 2043, p. 4731, sec. 2.)

56507. Distribution of assets; distributees

Remaining assets of the dissolved district shall be distributed by the successor as follows:

(a) If the territory of the dissolved district shall be located entirely within the incorporated territory of a single city, all such assets shall be distributed to said city.

(b) If the territory of the dissolved district shall be located entirely within the unincorporated territory of a single county, all such assets of the dissolved district shall be distributed to said county.

(c) If the territory of a dissolved district shall be located within the incorporated territory of more than one city, or the unincorporated territory of more than one county, or any combination of the incorporated or unincorporated territory of two or more such cities and counties, the assets of the dissolved district shall be apportioned between all such cities and counties and distributed as follows:

(1) All real property located within the incorporated territory of any city or within the unincorporated territory of any county, as the case may be, shall be distributed to such city or county.

(2) All moneys or funds (including cash on hand and money due but uncollected) and all personal property shall be divided among and distributed to each such city or county in the proportion that the assessed value of the taxable property of the dissolved district within the incorporated territory of each such city or within the unincorporated territory of each such county shall bear to the total assessed value of all taxable property within the dissolved district, such assessed values being those shown upon the last equalized assessment roll or rolls of the county or counties upon the effective date of the dissolution.

(Added Stats. 1965, c. 2043, p. 4731, sec. 2.)

56508. Taxes and assessments to meet long term obligations

Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding long-term obligations, which are payable in whole or in part from taxes or assessments upon any property within all or any part of the territory of a dissolved district, the legislative body of the successor shall in each year provide for the levy and collection of taxes or assessments upon such property sufficient to pay any principal, interest and any other amounts owing on account of such obligations, as the same become due. Such taxes or assessments shall be levied and collected in the manner provided by the principal act of the dissolved district.

(Added Stats. 1965, c. 2043, p. 4732, sec. 2.)

56509. Provision for revenue bonds and obligations

Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise of the dissolved district, the successor shall not:

(a) Sell, encumber or otherwise dispose of all or any part of the revenue-producing enterprise or the revenues derived therefrom, except as expressly authorized by the ordinance, resolution or indenture authorizing or providing for the issuance of any of said bonds, contracts or other obligations; or

(b) Distribute less than the whole of the revenue-producing enterprise to any city or county.

(Added Stats. 1965, c. 2043, p. 4732, sec. 2.)

56510. Operation of revenue-producing enterprise pending payment of obligations; distribution

If at the time of distribution more than one city or county or any combination thereof, shall be entitled to distribution of portions of a revenue-producing enterprise but the successor shall be unable to distribute the same by reason of the provisions of Section 56509, the successor shall retain such revenue-producing enterprise and all revenues derived therefrom until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of such enterprise, at which time the successor shall distribute said enterprise and any revenues derived therefrom in accordance with Section 56507.

(Added Stats. 1965, c. 2043, p. 4732, sec. 2.)

56511. Rights of successor in revenue-producing enterprise subject to revenue bonds

Where any bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise are outstanding upon the effective date of dissolution, the successor, prior to distribution, or any city or county, after distribution, shall succeed to all rights and liabilities of the dissolved district under any ordinance, resolution or indenture authorizing such bonds, contracts or other obligations or providing for the issuance thereof and may sue or be sued upon such rights and liability in the same manner and to the same extent as the dissolved district.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

56512. Funds or property impressed with public trust, use or purpose

Any funds, money or property of a dissolved district which shall have been impressed with any public trust, use or purpose shall continue to be so impressed until such public trust, use or purpose is vacated, abandoned or terminated, in the manner provided by law.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

56513. Use of funds or property

Subject to the provisions of Section 56512, any funds, money or property of a dissolved district may be used by the successor for the purpose of winding up the affairs of such district and, after distribution to any city, county or district may be used for any lawful purpose of any such city, county or district to which the same shall have been distributed. So far as may be practicable, any such funds, money or property shall be used for the benefit of the lands, inhabitants and taxpayers within the territory of the dissolved district.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

Cross References

Application of proceeds of sale of property, see sec. 56505.

Article 5

CONSOLIDATION

Section

56520. Succession to powers, etc.; jurisdiction.

56521. Free use of property of predecessor districts.

56522. Liability on bonds and obligations.

(Article 5 added by Stats. 1965, c. 2043, p. 4733, sec. 2.)

Cross References

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Consolidation defined, see sec. 56035.

Controlling effect of specific terms and conditions, see sec. 56471.

Reorganizations, application of article, see sec. 56550.

56520. Succession to powers, etc.; jurisdiction.

Upon and after the effective date of a consolidation, the consolidated district shall succeed to all of the powers, rights, duties, obligations, functions and properties of all predecessor districts which shall have been united or joined into said consolidated district. The territory of a consolidated district, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within such territory shall be subject to the jurisdiction of such consolidated district and, except as otherwise provided in this article, shall have the same rights and duties as if said consolidated district had been originally formed under the principal act.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

56521. Free use of property of predecessor districts

No payment for the use or right of use of any property, real or personal, acquired or constructed by any predecessor district shall be required by reason of the consolidation of such district with other predecessor districts.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

56522. Liability on bonds and obligations.

The territory of a consolidated district shall be liable for payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of all predecessor districts, and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment; provided, that only the territory within an improvement district shall be liable for any such payment required on account of any bonds, including revenue bonds, or other contracts theretofore authorized or issued by or on behalf of such improvement district.

(Added Stats. 1965, c. 2043, p. 4733, sec. 2.)

Article 6

MERGERS AND THE ESTABLISHMENT OF SUBSIDIARY DISTRICTS

Section

56530. District of limited powers; termination.

56531. Vesting of money and property.

56532. Loss of rights to funds, etc.

56533. Use of funds to pay obligations.

56534. Taxes and assessments to pay obligations.

56535. Revenue-producing enterprise; restrictions on sale.

56536. Rights and liabilities under outstanding bonds, contracts and obligations.

56537. Funds or property impressed with public trust, use or purpose.

56538. Use of unencumbered funds and property.

56539. Subsidiary district; city council as board of directors.

56540. Incompatibility in offices of councilman and director; selection of directors.

(Article 6 added by Stats. 1965, c. 2043, p. 4734, sec. 2.)

Cross References

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Controlling effect of specific terms and conditions, see sec. 56471.

Merger defined, see sec. 56054.

Reorganizations, application of article, see sec. 56550.

Subsidiary district defined, see sec. 56073.

56530. District of limited powers; termination

Upon and after the effective date of a merger of a district of limited powers with a city, the district shall be extinguished, terminated and its existence shall cease, except as otherwise provided in this article.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56531. Vesting of money and property

Upon the effective date of a merger, all of the moneys or funds (including cash on hand and moneys due but uncollected) and all property, real or personal, of the merged district shall be vested in the city.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56532. Loss of rights to funds, etc.

No inhabitant, property owner, taxpayer, consumer or user within the territory of a merged district shall be entitled (i) to all or any part, or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) and any property, real or personal, of said merged district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of merger.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56533. Use of funds to pay obligations

Any moneys and funds of the merged district and any moneys or funds received by the city from the sale or other disposition of any property, real or personal, of the merged district shall be used, to the extent necessary, for the payment of principal, interest and any other amounts then or thereafter due on account of any outstanding bonds, including revenue bonds, and other contracts and obligations of said merged district.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56534. Taxes and assessments to pay obligations

Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding obligations, which are payable in whole or in part from taxes or assessments upon any property within all or any part of the territory of a merged district, the city council shall in each year provide for the levy and collection of taxes and assessments upon such property sufficient to pay any principal, interest and any other amounts owing on account of such obligations, as the same becomes due. Such taxes and assessments shall be levied and collected in the manner provided by the principal act of the merged district.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56535. Revenue-producing enterprise; restrictions on sale

Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise of the merged district, the city shall not sell, encumber or otherwise dispose of all or any part of the revenue-producing enterprise or the revenues derived therefrom, except as expressly authorized by the ordinance, resolution or indenture authorizing such bonds, contracts or other obligations or providing for the issuance of any thereof.

(Added Stats. 1965, c. 2043, p. 4734, sec. 2.)

56536. Rights and liabilities under outstanding bonds, contracts and obligations

Where any bonds, including revenue bonds, contracts or other obligations of lthe merged district are outstanding upon the effective date of merger, the city shall succeed to all of the rights and liabilities of the merged district under any ordinance, resolution, indenture, contract or other obligation or providing for or authorizing the issuance of any thereof and may sue and be sued upon such rights and liabilities in the same manner and to the same extent as the merged district.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)

56537. Funds or property impressed with public trust, use or purpose

Any funds, money or property of a merged district which shall have been impressed with any public trust, use or purpose shall continue to be so impressed until such public trust, use or purpose is vacated, abandoned or terminated, in the manner provided by law.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)

56538. Use of unencumbered funds and property

Subject to the provisions of Section 56537, any funds, money or property of a merged district may be used for any lawful purpose of the city. So far as may be practicable, any such funds, money or property shall be used for the benefit of the lands, inhabitants and taxpayers within the territory of the merged district.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)

56539. Subsidiary district; city council as board of directors

Upon and after the effective date of an order establishing a district of limited powers as a subsidiary district of a city, the city council of said city shall be designated as, and empowered to act as, ex officio the board of directors of such district. Such district shall continue in existence with all of the powers, rights, duties, obligations and functions provided for by the principal act, except for any provisions relating to the selection or removal of the members of the board of directors of such district.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)

56540. Incompatibility in offices of councilman and director; selection of directors

If any court shall determine that any incompatibility shall exist by reason of the same person or persons holding office both as a member of the city council and as a member of the board of directors of a subsidiary district, the court shall order the vacation of the office of any such person as a member of such board of directors, but not as a member of such city council, and shall order the membership of such board of directors to be selected in the manner provided by the principal act.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)

Article 7

REORGANIZATIONS

Section

56550. Force and effect of changes.

(Article 7 added by Stats. 1965, c. 2043, p. 4735, sec. 2.)

Cross References

Application of sec. 56470 to rights of creditors and bondholders under this article, see sec. 56010.1.

Controlling effect of specific terms and conditions, see sec. 56471.

Reorganization defined, see sec. 56068.

56550. Force and effect of changes.

Upon and after the effective date of a reorganization, each change of organization ordered for any of the subject districts shall be given the force and effect pertaining to a change of organization of that type, as provided in Articles 2 (commencing with Section 56480) to 6 (commencing with Section 56530), inclusive, of this chapter.

(Added Stats. 1965, c. 2043, p. 4735, sec. 2.)