GOVERNMENT CODE

KNOX-NISBET ACT

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Title 5

LOCAL AGENCIES

Division 2

CITIES, COUNTIES AND OTHER AGENCIES

Chapter 6.6

LOCAL AGENCY FORMATION COMMISSION

Article		Section
1.	General	54773
2.	Creation of Commission and Selection of Commissioners	54780
3.	Powers	54790
4.	Special Districts	54851

(Chapter 6.6 added by Stats. 1965, c. 587, p. 1916, sec. 10)

(Former Chapter 6.6, consisting of sections 54775-54791 relating to same subject matter, added by Stats. 1963, c.1808, p. 3657, sec. 1, was repealed by Stats. 1965, c. 587, p. 1916, sec. 9.)

Cross References

Powers under District Reorganization Act of 1965, see sec. 56250.

Article 1

GENERAL

Section

54773. Short title.

54774. Purposes; powers; spheres of influence; recommendations; financial assistance.

54774.1 Sphere of influence amendment; public hearing.

54774.2 Spheres of influence; amendment or revision; resolution of agency or county; hearing; reimbursement of costs.

54774.5 Urban development patterns; preservation of open space lands.

54775. Definitions.

54775.1 Time for action as directory rather than mandatory.

54775.2 Construction; harmless irregularities; fraud; prejudicial abuse of discretion; review.

**54776. Quarters, equipment and supplies; expenses.

**54776.1 Estimate of amount of money needed; allowance by board; audit of claims.

54776.2 Destruction of records.

54776.3 Fees for filing and processing applications.

54777. Executive officer.

54777.5 Retirement benefits for executive officer or staff personnel; authority to contract.

54778. Assistance; records and information; examination and report by county officer or employee.

54779. Special district located in more than one county.

54779.5 Jurisdiction vested in other than principal county; requirements.

**Section amended by Stats. 1982.

54773. Short title.

This chapter shall be known and may be cited as the Knox-Nisbet Act.

(Added Stats. 1965, c. 587, p. 1916, sec. 10)

54774. Purposes; powers; sphere of influence; recommendations; financial assistance

Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers the local agency formation commission shall initiate and make studies of existing governmental agencies. Such studies shall include but shall not be limited to inventorying such agencies and determine their maximum service area and service capacities. In conducting such studies, the commission may ask for land use information, studies, and plans of cities, counties, and districts, including school districts, and regional agencies and state agencies and departments. Cities, counties, districts, including school districts, regional agencies, and state agencies and departments, shall comply with the request of the commission for such information and the commission shall make its studies available to public agencies and any interested person. In making these studies, the commission may cooperate with the county planning commissions.

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county

and its communities, the local agency formation commission shall develop and determine the sphere of influence of each local governmental agency within the county. As used in this section "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. Among the factors considered in determining the sphere of influence of each local governmental agency, the commission shall consider:

(a) The maximum possible service area of the agency based upon present and possible service capabilities of the agency.

(b) The range of services the agency is providing or could provide.

(c) The projected future population growth of the area.

(d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.

(e) The present and probable future service needs of the area.

(f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided by such existing local governmental agencies.

(g) The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

(h) The existence of agriculture preserves in the area which could be considered within an agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of influence of a local governmental agency.

The commission shall periodically review and update the spheres of influence developed and determined by them.

The spheres of influence, after adoption, shall be used by the commission as a factor in making regular decisions on

proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

(Amended by Stats. 1976, c. 31)

54774.1 Spheres of Influence; adoption, amendment or revision; public hearing; notice

The commission shall adopt, amend or revise spheres of influence after a public hearing called and held for that purpose. At least 15 days prior to the date of any such hearing, the executive officer shall give mailed notice of the hearing to each affected local agency or county, and to any interested party who has filed a written request for such notice with the executive officer. In addition, at least 15 days prior to the date of any such hearing, the executive officer, shall cause notice of the hearing to be published in accordance with Section 6061 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be adopted. The commission may continue from time to time any hearing called pursuant to this section.

At any hearing called and held pursuant to this section, the commission shall hear and consider oral or written testimony presented by any affected local agency or county or any interested person who wishes to appear.

The provisions of this section shall only apply to spheres of influence adopted by the commission after the effective date of this section.

(Added by Stats. 1974, c. 360, p. 693)

54774.5 Urban development patterns; preservation of open space lands

It is the intent of the Legislature that local agency formation commissions establish policies and exercise their powers pursuant to this chapter in such manner to encourage and and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within such patterns.

(Added by Stats. 1974, c. 531.)

54775. Definitions

Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors.

(d) "Function" means any power granted by law to a local agency or a county to provide designated governmental or proprietary services or facilities for the use, benefit or protection of persons or property.

(e) "Independent special district" includes any special district having a legislative body all of whose members are elected by registered voters or landowners within the district and excludes any special district having a legislative body consisting, in whole or in part, of ex officio members who are officers of a county or another local agency or who are appointees of such officers. "Independent special district" does not include any district excluded from the provisions of the District Reorganization Act pursuant to the provisions of Section 56039 of this code.

(f) "Independent special district officer" means the presiding officer or a member of the legislative body of an independent special district.

(g) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(h) "Local agency" means a city or a special district.

(i) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "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 counties, of the taxable property in, or proposed to be included in, the special district.

(j) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city, or the disincorporation of a city.

(k) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(l) "Service" means a class established within and as a part of a single function, as provided by rules and regulations adopted by the commission pursuant to Article 4 (commencing with Section 54850) of this chapter.

(m) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law,

or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district 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.

(n) "Open space" means any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in Section 65560 of this code.

(o) "Open-space use" means any use as defined in Section 65560 of this code.

(p) "Prime agricultural land" means land which qualifies for rating as class I or class II in the soil conservation service land-use capability classifications or land which qualifies for rating 80 through 100 in the Storie Index Rating.

(q) "Agricultural preserve" means an area as defined in subdivision (d) of Section 51201 of the Government Code.

(Added Stats. 1965, c. 587, p. 1916, sec. 10; amended by Stats. 1965, c. 2045, p. 4773, sec. 10; Stats. 1967, c. 920, p. 2373, sec. 15; Stats. 1968, c. 1261, p. 2380, sec. 4; Stats. 1970, c. 1249, p. 2244, sec. 2.6; Stats. 1974, c. 531.)

54775.1 Repealed. Stats. 1965, c. 587, p. 1916, sec. 9.

54775.1 Time for action as directory rather than mandatory

In this chapter, provisions governing the time within which the executive officer or the commission is to act shall in all instances, except for notice requirements, be deemed directory rather than mandatory.

(Added Stats. 1976, c. 893, eff. Jan. 1, 1977)

54775.2 Construction; harmless irregularities; fraud; prejudicial abuse of discretion; review

This chapter shall be liberally construed to effectuate its purposes. No commission resolution making determinations upon a proposal 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 under and pursuant to the provisions of this chapter 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, 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 was not supported by substantial evidence in light of the whole record.

(Added Stats. 1976, c. 893, eff. Jan. 1, 1977)

54776. Quarters, equipment and supplies; expenses

The board of supervisors shall, in conformance with Section 54776.1, furnish the commission with necessary quarters, equipment, and supplies, and the usual and necessary operating expenses incurred by the commission shall be a county charge.

(Added by Stats. 1965, c. 587; amended by Stats. 1982, c. 436)

54776.1 Estimate of amount of money needed; allowance by board; audit of claims

On or before the 10th day of June the commission shall prepare and transmit to the board of supervisors an estimate of the amount of money needed for the purposes prescribed by Section 54776 during the following fiscal year. The board of supervisors shall provide for the use of the commission during *** such fiscal year not less than the amount of money *** equal to any of the following:

(a) The amount fixed by the commission.

(b) The amount provided in the prior fiscal year increased by the same percentage as the appropriations limit of the county for such fiscal year will be increased from the prior fiscal year.

(c) The amount determined in (b) plus any additional amount the board deems necessary.

The county auditor shall audit and allow or reject all claims for expenditures for county charges incurred pursuant to the provisions of this chapter in lieu of, and with the same effect as, allowance or rejection of claims by the board of supervisors.

(Added by Stats. 1969, c. 1301; amended by Stats. 1982, c. 436)

54776.2 Destruction of records

The commission may at any time authorize the destruction of any duplicate record, paper, or other document if the original, or a photographic copy thereof, is retained in the files of the commission. The commission may authorize the destruction of original records more than two years old if a photographic copy thereof is made and preserved.

(Added by Stats. 1969, c. 1301, p. 2541, sec. 5.)

54776.3 Fees for filing and processing applications

Notwithstanding the provisions of Section 6103 of this code, the commission may establish a schedule of fees for filing and processing applications filed with the commission pursuant to Section 54791. Such fees shall not exceed those charged pursuant to Sections 56132 and 56133. When a special district files an application for extension of its powers, a commission may charge a fee not to exceed five hundred dollars ($500) and may establish a schedule of fees, for costs incurred pursuant to such application.

(Amended by Stats. 1976, c. 31)

54777. Executive officer

The commission may appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the commission does not appoint an executive officer, the county administrator, or, if there is none, the county clerk, shall act as executive officer for the commission.

(Added Stats, 1965, c. 587, p. 1917, sec. 10.)

54777.5 Retirement benefits for executive officer or staff personnel; authority to contract

The commission may contract for retirement benefits for the executive officer or staff personnel pursuant to the County Employees Retirement Law of 1937 or the Public Employees' Retirement Law. It may also provide for health and medical benefits.

The commission shall preserve accrued vacation, sick leave, compensatory time, and retirement benefits of persons hired from within the employment of their respective county.

(Amended by Stats. 1976, c. 31)

54778. Assistance; records and information; examination and report by county officer or employee

The officers and employees of a city, county or special district, including school districts, and any regional agency, or state agency or department as may be necessary, shall furnish the executive officer with any records or information in their possession which may be necessary to assist the commission.

Upon request by the commission or the executive officer, the county surveyor, or such other county officer or employee as the board of supervisors may designate, shall examine and report to the commission or the executive officer upon any application or other document involving any of the matters specified in subdivision (f) of Section 54790.

(Amended by Stats. 1976, c. 31)

54779. Special district located in more than one county.

If any special district is, or as a result of a proposed formation or annexation will be, located in more than one county, the commission of the principal county shall have exclusive jurisdiction over the matters authorized and required by this chapter.

(Added Stats. 1965, c. 2045, p. 4774, sec. 10.2.)

54779.5 Jurisdiction vested in other than principal county; requirements

Notwithstanding the provisions of Section 54779, if any proposal involves a special district which is, or as a result of a proposed incorporation or annexation would be, located in more than one county, exclusive jurisdiction for that proposal over the matters authorized and required by this chapter may be vested in the commission of a county, other than the principal county, in which territory of the special district is located or is proposed to be located, provided that:

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

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

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

(Added by Stats. 1971, c. 263, p. 421, sec. 1.)

Article 2

CREATION OF COMMISSION AND SELECTION OF COMMISSIONERS

Section	
**54780.	Creation; composition.
54780.1	Composition in Los Angeles County.
*54780.2	Composition in county of fifth class, with more than one city.
54781.	Composition in county without a city.
54782.	Composition in county with one city.
54782.5	Alternate public member, appointment; duties.
54782.6	Independent special districts; selection of members; selection committee.
54782.7	Appointment of public members.
54783.	Terms of commissioners; vacancies; chairman; compensation; expenses.
**54784.	City selection committee; meetings; appointments; alternate members.
**54784.1	Rules and regulations disqualifying members from participating in review of proposal.
54785.	Service by city or county officer; loss of office in entity represented.
54786-89.	Repealed.

*Added by Stats. 1982
**Amended by Stats. 1982

54780. Creation; composition

There is hereby created in each county a local agency formation commission. Except as provided in Sections 54780.1, 54780.2, 54781, and 54782, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He or she is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

In the event the office of a regular county member becomes vacant the alternate member is authorized to serve and vote in his or her place until the appointment and qualification of a regular county member to fill the vacancy.

(b) Two representing the cities in the county, each of whom shall be a city officer, appointed by the city selection committee. The city selection committee shall also designate one alternate member who shall be appointed and serve pursuant to Section 54784.

(c) One representing the general public appointed by the other four members of the commission.

(Amended by Stats. 1981, c. 1181; amended by Stats. 1982, c. 205)

54780.1 Composition in Los Angeles County

In a county with a population in excess of 4,000,000 persons, the commission shall consist of seven members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from its own membership. The board of supervisors shall also appoint a third supervisor who shall be an alternate member of the commission. He or she is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

In the event the office of a regular county member becomes vacant, the alternate member is authorized to serve and vote in his or her place until the appointment and qualification of a regular county member to fill the vacancy.

(b) One representing the county, appointed by the board of supervisors, who shall not be a member of the board of supervisors but who shall be a resident of the San Fernando Valley Statistical Area (as defined in subdivision (c) of Section 11093). The board of supervisors shall also appoint an alternate member who shall not be a member of the board of supervisors but who shall be a resident

of the San Fernando Valley Statistical Area (as defined in subdivision (c) of Section 11093). He or she is authorized to serve and vote in place of the member appointed pursuant to this subdivision if the member is absent or disqualifies himself or herself from participating in a meeting of the commission.

In the event the office of the regular member becomes vacant, the alternate member is authorized to serve and vote in his or her place until the appointment and qualification of a regular member of fill the vacancy.

(c) Two representing cities in the county, each of whom shall be a city officer, appointed by the city selection committee. The city selection committee shall also designate one alternate member who shall be appointed and serve pursuant to Section 54784.

(d) One representing a city in the county having a population in excess of 30 percent of the total population of the county who shall be a member of the legislative body of the city, appointed by the presiding officer of the legislative body. The presiding officer of the legislative body shall also

designate an alternate member who shall be a member of the legislative body. He or she is authorized to serve and vote in place of the member appointed pursuant to this subdivision if the member is absent or disqualifies himself or herself from participating in a meeting of the commission.

In the event the office of the regular member becomes vacant, the alternate member is authorized to serve and vote in his or her place until the appointment and qualification of a regular member to fill the vacancy.

Prior to the end of each fiscal year, the city shall pay to the county that portion of the amount payable or paid by the county during the fiscal year pursuant to Section 54776.1 that is attributable to administrative costs incurred by the county on behalf of members serving on the commission pursuant to subdivisions (b) and (d).

(e) One representing the general public appointed by the other six members of the commission.

(Added by Stats. 1981, c.1181)

54780.2 Composition in county of fifth class, with more than one city

In a county of the fifth class, as determined by the 1970 federal census, having more than one city, any one of which has a population exceeding one-third of the total population of the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. In the event the office of a regular county member becomes vacant the alternate member may serve and vote in place of such regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One representing the city in the county having the largest population, who shall be a member of the legislative body of the city, appointed by the city council. The city council shall also appoint an alternate member who is a member of the legislative body of the city. The alternate may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. In the event the office of the regular city

member becomes vacant, the alternate member may serve and vote in place of such regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) One representing cities in the county, who shall be a city officer appointed by the city selection committee. The city selection committee shall also designate one alternate member who shall be appointed and serve pursuant to Section 54784.

(d) One representing the general public, appointed by the other four members of the commission. Such member shall not be a resident of a city which is already represented on the commission. The commission may also appoint an alternate public member, who shall not be a resident of a city represented on the commission, and who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. In the event the office of the regular public member becomes vacant the alternate member may serve and vote in place of such regular public member until the appointment and qualification of a regular public member to fill the vacancy.

The member initially selected to serve pursuant to subdivision (b) shall commence serving on or after

January 1, 1983, on a date determined by the city council of the city referred to in subdivision (b), and shall serve for the remainder of the term of, and in place of, a member to be designated by the city council, appointed pursuant to subdivision (b) of Section 54780.

(Added by Stats. 1982, c. 205)

54781. Composition in county without a city

If there is no city in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a fourth supervisor who shall be an alternate member of the commission. He is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

In the event the office of a regular county member becomes vacant the alternate member is authorized to serve and vote in his place until the appointment and qualification of a regular county member to fill the vacancy.

(b) Two representing the general public appointed by the other three members of the commission.

(Amended by Stats. 1976, c. 31)

54782. Composition in county with one city

If there is only one city in the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He is authorized to serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

In the event the office of a regular county member becomes vacant the alternate member is authorized to serve and vote in his place until the appointment and qualification of a regular county member to fill the vacancy.

(b) One representing the city, who shall be a city officer, appointed by the legislative body of the city. The legislative body of the city shall also designate one alternate member who shall serve and vote in the absence or disqualification of the regular appointed city representative.

In the event the office of the regular city member becomes vacant the alternate city member is authorized to serve and vote in his place until the appointment and qualification of a regular city member to fill the vacancy.

(c) Two representing the general public appointed by the other three members of the commission.

(Amended by Stats. 1976, c. 31; Stats. 1977, c. 90)

54782.5 Alternate public member, appointment; duties

When appointing a public member pursuant to Section 54780, *54780.1*, 54781 or 54782, the commission may also appoint an alternate public member who shall be authorized to serve and vote in place of a regular public member who is absent or disqualifies himself *or herself* from participating in a meeting of the commission.

In the event the office of a regular public member becomes vacant the alternate member is authorized to serve and vote in his *or her* place until the appointment and qualification of a regular public member to fill the vacancy.

(Amended by Stats. 1981, c. 1181)

54782.6 Independent special districts; selection of members; selection committee

The commission of any county shall be enlarged to seven members if, pursuant to Article 4 (commencing with Section 54850) ***, the commission of any county (i) orders representation of special districts upon the commission and (ii) adopts rules and regulations affecting the functions and services of special districts. In addition to the commission members selected pursuant to Sections 54780, 54781 and 54782, two commission members shall be selected by an independent special district selection committee to represent special districts in the county.

The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district; provided, however, that in the event the presiding officer of an independent special district will be unable to attend a meeting of the independent special district selection committee, the legislative body of the district may appoint one of its members to attend the meeting of the selection committee in the presiding officer's place. Such districts shall include districts located wholly within the county and those containing

territory within the county representing 50 percent or more of the assessed value of taxable property of such district, as shown on the last equalized county assessment roll or rolls. Each member of the committee shall be entitled to one vote for each independent special district of which he *or she* is the presiding officer and members representing a majority of the eligible districts shall constitute a quorum.

The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held (i) whenever a vacancy exists among the members or alternate members representing independent special districts upon the commission or (ii) upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

The selection committee shall appoint two regular members and *one* alternate *member* of the commission;

the members so appointed shall be elected or appointed special district officers residing within the county; provided, however, that the members so appointed shall not be members of the governing body of a city or county. If one of the regular district members is absent from a commission meeting, disqualifies himself *or herself* from participating in a meeting or is automatically disqualified from participating therein, the alternate district member is authorized to serve and vote in his *or her* place for that meeting. When the commission is considering any proposal affecting the district for which the regular member is a special district officer, such member is automatically disqualified from participating in proceedings of the commission with respect to the proposal and the alternate member shall serve and vote in his *or her* place upon such proposal.

In the event the office of a regular district member becomes vacant the alternate member is authorized to serve and vote in his *or her* place until the appointment and qualification of a regular district member to fill the vacancy.

(Amended by Stats. 1981, c. 961)

54782.7 Appointment of public members

When a commission is enlarged to seven members as provided in Section 54782.6, the public members appointed pursuant to Section 54780, 54781, or 54782 shall thereafter be appointed by members of the commission representing cities, counties and special districts. Such appointment shall be made at the times and in the manner provided in Section 54783.

(Added by Stats. 1971, c. 1241, p. 2410, sec. 3.)

54783. Terms of commissioners; vacancies; chairman; compensation; expenses

Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of one member is two years, of two members is three years and of one member is four years. Upon enlargement of the commission to seven members, as provided in Section 54782.6, the new members first appointed to represent independent special districts shall classify themselves by lot so that the expiration date of the term of office of one new member coincides with the existing member who holds the office represented by the original two-year term mentioned in the preceding sentence of this section and of the other new member coincides with the existing member who holds the office represented by the original four-year term mentioned in the preceding sentence. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The chairman of the commission shall be selected by the members thereof.

Commission members and alternates shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The board of supervisors may authorize payment of a per diem to commission members and alternates for each day while they are in attendance at meetings of the commission.

(Amended by Stats. 1970, c. 1249, p. 2247, sec. 3.4.)

54784. City selection committee; appointments; alternate members; provision for disqualification

In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5. Regular members of the commission shall be appointed by the city selection committee pursuant to Section 54780, 54780.1, or 54780.2.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting *** the alternate member is authorized to serve and vote in *** place of that regular city member for that meeting.***

Except in the case of a member appointed pursuant to subdivision (d) of Section 54780.1 or subdivision (b) of Section 54780.2, a city selection committee, may, at the time it appoints a member or alternate, provide that such member or alternate is disqualified from voting on annexations to the city of which such member is a representative.

In the event the office of a regular city member becomes vacant the alternate member is authorized to serve and vote in *** place of that regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(Amended by Stats. 1981, c. 1181; Stats. 1982, c. 240 and c. 1178)

54784.1 Rules and regulations disqualifying members from participating in review of proposal

Each local agency formation commission may adopt rules and regulations with respect to disqualification of members from participating in the review of a proposal. In the absence, however, of any such rule or regulation, the provisions of Section 54784 or 54782.6 shall apply. A member's representation of a city shall not disqualify or be cause for disqualification of the member from acting on a proposal affecting the city, and any rule or regulation providing for such disqualification of a city representative is null and void.

(Amended by Stats. 1981, c. 52; Stats. 1982, c. 240)

54785. Service by city or county officer; loss of office in entity represented

A city or county officer may serve as a member of the commission while holding office as a city or county officer. If a member who is a city or county officer ceases to be an officer of a city or county during his term, his membership on the commission shall thereafter be considered vacant.

(Added Stats. 1965, c. 587, p. 1918, sec. 10.)

54786-54789. Repealed. Stats. 1965, c. 587, p. 1916, sec. 9

Article 3

POWERS

Section	
**54790.	General powers and duties.
54790.1	Conditional approval.
54790.2	Conversion of open space lands to other use; policies and priorities.
54790.3	Determination of property tax revenue.
54791.	Approval of application before proceedings initiated; issuance of certificate of filing by executive officer; notice of incomplete filing.
54792.	Application; form and content.
54793.	Hearing on application for proposed formation; notice of hearing.
54794.	Review and report on application; distribution of copies of report.
54794.1	Procedure for approval or modification of impartial analysis of ballot proposition.
54795.	Parties and items to be heard.
54796.	Factors to be considered.
54797.	Continuance; determination; filing of notice on completion of proceedings; notice of filing.
54797.1	Annexation to, or detachment from, city; procedure upon consent of all owners of land.
54797.2	Final completion of proceedings; certification of completion.
54797.3	Application for incorporation of new city or annexation of territory to existing city; terms and conditions for fire protection districts or county service areas included.

**Section amended by Stats. 1982

Article 3--POWERS (continued)

Section	
54797.4	Request for transcript of proceedings; cost.
54798.	Two or more proposals; priority.
54799.	New proposal after disapproval; time.
**54799.1	Addition, deletion, amendment or revision of resolution; application.
54799.2	Failure to complete proceedings within one year; abandonment; proceeding enjoined.
54799.5	Proceedings affecting boundaries of member district or city and parent district.

**Section amended by Stats. 1982

Article 5. Disincorporation (continued)

Section

35476. Special public utility tax; levy and collection.

35477. Public utility fund.

35478. Succession to assets and liabilities of disincorporated city; valuation.

35479. Territory exempt from tax levy.

35480. Auditor's statement of value of property in disincorporated city; order of supervisors fixing liabilities.

35481. Certified copy of order to Secretary of State; succession to property of disincorporated city.

35482. Special tax levy to pay bonded indebtedness.

35483. Payment of special tax by supervisors to city treasurer.

35484. City treasurer to pay bonded indebtedness from tax proceeds.

35485. Redemption of city tax delinquent property; tax deeds.

35460. Jurisdiction; rights and duties

Except as otherwise provided in this article, upon and after the effective date of a disincorporation, the territory of the disincorporated city, all inhabitants within such territory, and all persons formerly entitled to vote by reason of residing within such territory shall cease to be subject to the jurisdiction of the disincorporated city and shall have none of the rights or duties of inhabitants or voters of a city.

35461. Surrender of public property to supervisors

Upon disincorporation every public officer of the city shall turn over to the board of supervisors the public property in his possession.

35462. Determination of financial status of disincorporated city; certified statement

After ascertaining that disincorporation has carried, the conducting authority shall determine and certify in a written statement to the board of supervisors the indebtedness of the city, the amount of money in its treasury, and the amount of any tax levy or other obligation due the city which is unpaid or has not been collected.

35463. Disposition of funds

Within 30 days after the election, the legislative body of the disincorporated city shall turn over to the county treasurer all city money in its possession.

35464. Effect of failure to provide certified statement

If the conducting authority fails to provide the board of supervisors with the certified statement required by Section 35462, the board shall make the determinations provided for in such section.

35465. County tax collector to collect uncollected city taxes

If a tax has been levied by the disincorporated city and remains uncollected, the county tax collector shall collect it when due and pay it into the county treasury.

35466. Redemption of city tax delinquent property

All property upon which any tax has been levied by the disincorporated city, and becomes delinquent, and all property sold for any tax levied by the disincorporated city, may be redeemed by any interested party, on payment to the county treasurer of the sum which the auditor estimates would have been necessary to redeem the property if there had been no disincorporation.

35467. Special fund created in county treasury

All money paid into the county treasury pursuant to this article shall be placed to the credit of a special fund established for the purpose of settling the affairs of the disincorporated city.

35468. Payment of city's debts from special fund

Warrants for city indebtedness shall be drawn by the board of supervisors on the special fund.

35469. Deficiency levy to pay city indebtedness

If there is not sufficient money in the treasury to the credit of the special fund to pay any city indebtedness, the board of supervisors shall cause to be levied, and there shall be collected from the territory formerly included within the city, taxes sufficient to pay the indebtedness as it becomes due.

35470. Manner of levy

Such taxes shall be assessed, levied, and collected in the same manner and at the same time as other county taxes, and are additional taxes upon the property included within the territory of the disincorporated city.

35471. Transfer of surplus in special fund to school districts or for street improvement use

Any surplus remaining in the special fund after the payment of any debts shall be, at the discretion of the board of supervisors, transferred to the school district or districts included in the former city or used for the improvements of streets within the territory of the former city.

35472. Collection of debts and winding up of affairs of disincorporated city

The board of supervisors shall provide for collection of debts due the city and wind up its affairs. Upon an order by the board of supervisors the appropriate county officer shall perform any act necessary for winding up the city affairs, with the same effect as it it had been performed by the proper city officer.

35473. County's right to collect city debts

The county succeeds to all the rights of the city in such debts and may collect or sue for them in the name of the county.

35474. Costs payable from special funds

All costs and expenses incurred in winding up city affairs shall be part of the special fund.

35475. Administration of public utilities by supervisors

By ordinance the board of supervisors may assume control of, and continue to administer, all electric, power, lighting, or gas plants and all systems of waterworks, street lighting, or any other public utility owned by the city at the time of its disincorporation.

35476. Special public utility tax; levy and collection

If the revenues from any such public utility are not sufficient for its administration, conduct, or improvement, the board of supervisors shall levy a special tax upon all property within the disincorporated city. The special tax shall be levied upon the assessed value of the property as shown by the equalized assessment roll in effect on the first day of March of that year, and collected in the same manner and form of other county taxes.

35477. Public utility fund

All sums collected shall be placed in a separate fund in the county treasury for the administration, conduct, and improvement of the public utility for which the tax is levied.

35478. Succession to assets and liabilities of disincorporated city; valuation

If any city has within its boundaries, at the time of incorporation, at least two-thirds of the assessed value of an assessable property formerly contained within a disincorporated city, it becomes the owner of all public property formerly belonging to the disincorporated city and such proportion of the debts, liabilities, and credits owned by or due to the disincorporated city as the value of the assessable property of the disincorporated city lying within the boundaries of the new city bears to the value of all assessable property formerly contained within the disincorporated city. The value is that shown by the equalized assessment roll in effect in the fiscal year in which the city was disincorporated.

35479. Territory exempt from tax levy

No tax shall be levied upon any territory not included within the former limits of the disincorporated city for any debt or liability of the disincorporated city.

35480. Auditor's statement of value of property in disincorporated city; order of supervisors fixing liabilities

Upon written request by the legislative body of a newly incorporated city, the board of supervisors shall cause the county auditor to prepare, without cost, a statement of the value of the assessable property in the disincorporated city and the value of such property now contained in the incorporated city. If the statement shows that at least two-thirds of the assessed value of all assessable property formerly contained within the disincorporated city is contained within the boundaries of newly incorporated city, the board of supervisors shall fix the relative proportion by an order entered in the minutes, and the newly incorporated city if liable for that proportion of the debts and liabilities of the disincorporated city.

35481. Certified copy of order to Secretary of State; succession to property of disincorporated city

The board of supervisors shall forward a certified copy of the order to the Secretary of State and the city clerk, and turn over to the city legislative body all public property taken by the board and the proportion of the special fund to which the city is entitled. Thereafter ownership of, and title to, all public property formerly belonging to the disincorporated city is vested in the city as fully as if the property had been originally acquired by it.

35482. Special tax levy to pay bonded indebtedness

Annually, at the time other city taxes are levied and collected, the legislative body shall levy and collect a special tax on the territory of the disincorporated city within the limits of the city sufficient to pay its proportion of the bonded indebtedness as it becomes due.

35483. Payment of special tax by supervisors to city treasurer

Annually, at the time other county taxes are levied and collected, the board of supervisors shall levy and collect a special tax on the remainder of the territory sufficient to pay the balance of the debt, and pay this sum to the city treasurer.

35484. City treasurer to pay bonded indebtedness from tax proceeds

With the proceeds of such taxes, the city treasurer shall pay the bonded indebtedness as it becomes due.

35485. Redemption of city tax delinquent property; tax deeds

If any property within the former limits of the disincorporated city was sold for taxes levied by that city, it may be redeemed or a tax bond issued as if the city had not disincorporated. Such proceedings shall be had and deeds issued in the name of the city in which the land is situated.

Chapter 5

Article 6. Consolidation

Section

35490. Government of successor city under freeholder's charter; name of successor city; surrender of offices in predecessor cities.

35491. Succession of successor city to property of predecessor city.

35492. Prior obligations and proceedings not affected by consolidation.

35493. Repeal of ordinances of predecessor city; effect.

35494. Exceptions to repeal of ordinances.

35495. Effect of ordinances of successor city.

35496. Limitation on taxation of property to pay indebtedness.

35497. Separate tax levies to pay indebtedness in each predecessor city.

35498. Predecessor city not prevented from becoming borough in chartered city.

35490. Government of successor city under freeholder's charter; name of successor city; surrender of offices in predecessor cities

If the successor city has a freeholder's charter, the successor city shall be governed as a new city under the freeholder's charter of the successor city. If the successor city is organized under Part 1 (commencing with Section 34400) of this division or its predecessors, the successor city shall be governed in the same manner as a new city. Except as hereinafter provided, the successor city shall be governed in the name of the successor city. If the electors have expressed a preference for the name of the successor city, the successor city shall be deemed to have the name favored by the electors. The predecessor cities are dissolved and disincorporated and if any of them has a freeholder's charter, it is deemed surrendered and annulled and they are merged into the successor city. Immediately upon qualifying, the officers of the successor city who have been elected shall enter upon the duties of their offices and hold office until the next general municipal election and until their successors are elected and qualified. All persons in possession of or occupying the offices in each of the predecessor cities

shall surrender them immediately to the proper officers of the successor city.

35491. Succession of successor city to property of predecessor city

Upon consolidation, the title to any property owned or held by or in trust for each predecessor city or by its officers or boards in trust for public use shall be vested in the successor city or its officers or boards.

35492. Prior obligations and proceedings not affected by consolidation

Except as otherwise provided in this part, consolidation does not affect any debts, demands, liabilities, or obligations of any kind existing in favor of or against the cities consolidated at the time of consolidation. Consolidation does not affect any pending action or proceeding involving any such debt, demand, liability, or obligation or any action or proceedings brought by or against any city prior to consolidation. All such proceedings shall be continued and concluded by final judgment or otherwise as if consolidation had not been affected. All such rights or liabilities become the rights and liabilities of the successor city.

35493. Repeal of ordinances of predecessor city; effect

Immediately upon consolidation, all ordinances of the predecessor cities shall be deemed repealed. Such repeal shall not discharge any person from any existing civil or criminal liability nor affect any pending prosecution for violation of any such ordinances.

35494. Exceptions to repeal of ordinances

Such repeal shall not apply to:

(a) Ordinances under which vested rights have accrued.

(b) Ordinances relating to proceedings for street or other public improvements.

(c) Ordinances relating to zoning or land use regulation.

(d) Proceedings for opening, extending, widening, straightening or changing the grade of streets or other public places.

These proceedings shall be continued and conducted by the successor city with the same effect as if continued and conducted by the city which commenced them.

35495. Effect of ordinances of successor city

Upon consolidation, all ordinances of the successor city shall have full effect throughout the successor city.

35496. Limitation on taxation of property to pay indebtedness

Unless otherwise provided in the terms and conditions of the consolidation, the property in cities consolidated pursuant to this article shall not be taxed to pay any indebtedness or liability of any other city contracted or incurred prior to or existing at the time of consolidation.

35497. Separate tax levies to pay indebtedness in each predecessor city

The legislative body of the successor city shall separately levy and collect the taxes necessary to pay the indebtedness or liability of each predecessor city within the territory of each such city.

35498. Predecessor city not prevented from becoming borough in chartered city

Where the successor city is, or becomes, a chartered city, under a freeholder's charter providing that boroughs may be established in territories or cities annexed to or consolidated with it, this part shall not be construed to prevent a predecessor city, or any part of it, from becoming a borough.

Chapter 5

Article 7. Municipal Reorganization

Section

35500. Force and effect of changes.

35500. Force and effect of changes

Upon and after the effective date of a municipal reorganization, each change of organization or incorporation ordered for any of the affected cities shall be given the force and effect pertaining to a change of organization of that type or incorporation, as provided in Articles 2 (commencing with Section 35410) to 6 (commencing with Section 35490), inclusive, of this chapter.

54790. General powers and duties

The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

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

(1) The incorporation of cities.

(2) The formation of special districts.

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6); provided, however, that a commission shall not have the power to disapprove an annexation, initiated by resolution, of contiguous territory which the commission finds is either (1) surrounded or substantially surrounded by the city to which the annexation is proposed or by such city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 35046, and is designated for urban growth by the general plan of the annexing city or, (2) located

within an urban service area which has been delineated and adopted by *** a commission, *** which is not prime agricultural land, as defined in Section 35046 and is designated for urban growth by the general plan of the annexing city. A commission shall not impose any conditions which would directly regulate land use, property development, or subdivision requirements. When the development purposes are not made known to the annexing agency, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing agency. Nothing in this paragraph, however, shall be construed as prohibiting a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed provided that the commission shall not specify how, or in what manner, the territory shall be prezoned.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The consolidation of two or more cities.

(7) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals, including standards for each of the factors enumerated in Section 54796.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 35010 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(h) To waive the application of Section 25210.90 if it finds the application would deprive an

area of a service needed to insure the health, safety, or welfare of the area's residents and if it finds that such waiver would not affect the ability of a city to provide any service; provided, however, that within 60 days of the inclusion of the territory within the city, the governing body may adopt a resolution nullifying the waiver.

This section shall remain in effect only until January 1, 1988, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1988, deletes or extends such date.

(Amended and repealed by Stats. 1981, c. 855; amended and repealed by Stats. 1982, c. 1178)

NOTE: As provided in AB 1113 (c. 855), the following becomes operative January 1, 1988.

54790. General powers and duties

The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

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

(1) The incorporation of cities.

(2) The formation of special districts.

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6); provided that a commission shall not impose any conditions which would directly regulate land use, property development, or subdivision requirements. When the development purposes are not made known to the annexing agency, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing agency. Nothing in this paragraph, however, shall be construed as prohibiting a commission from requiring, as a condition to annexation, that a city prezone the territory to be annexed provided that the commission shall not specify how, or in what manner, the territory shall be prezoned.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(6) The consolidation of two or more cities.

(7) The development of new communities within the jurisdiction of the commission pursuant to Sections 33021 and 33298 of the Health and Safety Code.

(b) To adopt standards and procedures for the evaluation of proposals, including standards for each of the factors enumerated in Section 54796.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 35010 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as new city.

(h) To waive the application of Section 25210.90 if it finds the application would deprive an area of a service needed to insure the health, safety, or welfare of the area's residents and if it finds that such waiver would not affect the ability of a city to provide any service; provided, however, that within 60 days of the inclusion of the territory within the city, the governing body may adopt a resolution nullifying the waiver.

This section shall become operative January 1, 1988.

(Stats. 1981, c. 855)

54790.1 Conditional approval

In any commission order giving approval to any of the matters provided for by subdivision (a) of Section 54790, the commission may make such approval conditional upon:

(a) Any of the conditions set forth in Section 56470.

(b) The initiation, conduct or completion of proceedings for a change of organization or a reorganization under and pursuant to the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6 of this code; and

(c) The approval or disapproval, with or without election, as may be provided by the District Reorganization Act of 1965, of any resolution or ordinance ordering any such change of organization or reorganization.

If the commission shall so condition its approval, the commission may order that any further action pursuant to this chapter 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 any of the matters provided for by said subdivision (a) of Section 54790 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 a change of organization or reorganization pursuant to the provisions of the District Reorganization Act of 1965.

Any such commission order may also provide that in any election at which the questions of annexation and district reorganization or incorporation and district reorganization are to be considered at the same time, there shall be a single question appearing on the ballot upon the issues of annexation and district reorganization or incorporation and district reorganization.

(Amended by Stats. 1976, c. 31)

54790.2 Conversion of open-space lands to other use; policies and priorities

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless such an action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within an agency's existing jurisdiction or within an agency's sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the agency's existing jurisdiction or outside of an agency's existing sphere of influence.

(Added by Stats. 1974, c. 531.)

54791. Approval of application before proceedings initiated; issuance of certificate of filing by executive officer

Proceedings shall not be initiated until application is made to, and accepted for filing by the executive officer and approval is given by the commission of the principal county. Any proponent, any legislative body, or any members of any legislative body, desiring to initiate proceedings shall submit an application to the executive officer of the principal county. An executive officer shall accept for filing, and file, any application submitted to him which is in the form prescribed by the commission and which contains all the information and data required pursuant to Section 54792. When an executive officer accepts an application for filing he shall issue a "certificate of filing" to the proponent, legislative body or members of a legislative body submitting the application. A "certificate of filing" shall be in the form prescribed by the executive officer. From the date of issuance of a certificate of filing, an application shall be deemed filed pursuant to this chapter.

If a special district is, or as a result of a proposed formation or annexation will be, located in more than one county, the executive officer of the principal county shall immediately furnish a copy of any application accepted for filing by him to the executive officer of each such other county.

(Amended by Stats. 1974, c. 126)

54792. Application; form and content

Each application shall be in such form as the commission may prescribe and shall contain:

(a) A statement of the nature of each proposal;

(b) A description of the boundaries of the territory proposed to be incorporated into a new city, to be formed into a special district, to be annexed to a local agency or to be excluded from a city;

(c) A map showing such boundaries;

(d) Such data and information as may be required by any rule or regulation of the commission;

(e) Such additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which may be considered by the commission; and

(f) The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the executive officer's report and who are to be given mailed notice of hearing.

(Amended by Stats. 1976, c. 31)

NOTE: The 1976 amendment deleted the words "and the name or names of the districts or cities which would be affected thereby" in subdivision (a) of this section.

54793. Hearing on application for proposed formation; notice of hearing

When an application is filed in the manner prescribed in Section 54791, the executive officer shall set a date, time, and place for a hearing by the commission on said application. The date of the hearing shall not be more than 90 days following the date of such filing. At least 15 days prior to any hearing, the executive officer shall give mailed notice of the hearing to each affected county, city, or district, to any interested party or local agency who has filed a written request for such notice with the executive officer, and to any officers or persons designated in the application for the purpose of receiving mailed notice. In addition, at least 15 days prior to the hearing upon a proposal for the annexation of territory to a city, the incorporation of a new city or for the formation of a district, notice of hearing shall be published by the executive officer, in accordance with Section 6061, in a newspaper of general circulation which is circulated within the affected territory.

(Amended by Stats. 1974, c. 126)

54794. Review and report on application; distribution of copies of report

The executive officer shall review each application which is filed with him and shall prepare a report, including his recommendations, thereon. Said report shall be completed not less than five days prior to the date specified in the notice of hearing. Upon completion, the executive officer shall furnish copies of said report to the officers or persons designated in the application, to each city or special district to or from which territory is proposed to be annexed or excluded and where a district is, or will be, located in more than one county, to the executive officer of each such other county.

(Added Stats. 1965, c. 2045, p. 4779, sec. 20.4.)

54794.1 Procedure for approval or modification of impartial analysis of ballot proposition

(a) Whenever the executive officer is required by law 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.

(b) Notwithstanding any other provision of law, whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition, the analysis shall be prepared and submitted to the commission in sufficient time for the commission to consider and approve or modify the analysis, and submit it to the officials conducting the election within the time prescribed. The commission shall approve or modify the analysis and submit it to the official in charge of conducting the election not less than 54 days prior to the date of election. The impartial analysis submitted by the commission shall not exceed 500 words in length and shall include a general description of the affected territory.

(Amended by Stats. 1974, c. 126, urgency, eff. Apr. 2, 1974)

[NOTE: Although not included in these amendments, it should be noted that executive officers are also required to include in the impartial analysis a statement on property tax impact of any boundary changes submitted to the electorate. Ref: Revenue & Taxation Code, Section 2299.]

54795. Parties and items to be heard.

At the hearing, the commission shall hear any interested parties and consider the application and the report of the executive officer.

(Formerly sec. 54797, added Stats. 1965, c. 587, p. 1921, sec. 10. Renumbered sec. 54795 and amended Stats. 1965, c. 2045, p. 4779, sec. 20.6.)

54796. Factors to be considered

Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. As used in this subdivision, "services" is to be construed as referring to governmental services whether or not the services are such as would be provided by local agencies subject to this chapter, and as including the public facilities necessary to provision of services.

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

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and the policies and priorities set forth in Section 54790.2 of this code.

(e) The effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in an agricultural preserve in open-space uses.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands

or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

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

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

(Amended by Stats. 1970, c. 1249, 1. 2247, sec. 4; Stats. 1972, c. 792, p. 1411, sec. 3; Stats. 1973, c. 652, sec. 2; Stats. 1974, c. 531.)

54797. Continuance; determination; filing of notice of completion of proceedings; notice of filing

The commission may continue the hearing from time to time, not to exceed 70 days from the date specified in the notice of hearing. Within 35 days after the conclusion of the hearing, the commission shall adopt a resolution making its determination upon the proposal. The resolution making determinations may include a short-term designation of the affected territory and a description thereof. The short-term designation and description contained in any commission resolution making determination shall be used to refer to or describe the affected territory in any proceedings on the proposal.

If the commission approves a proposal, proceedings shall thereafter be initiated, conducted and completed pursuant to those provisions of law which are applicable to the proposal as it has been approved by the commission and the provisions of Section 54797.2. If the commission approves the proposal with modifications or conditions, proceedings may be initiated, conducted and completed only in compliance with such modifications or conditions. If the commission disapproves of the proposal, further proceedings shall terminate.

(Amended by Stats. 1967, c. 920, p. 2376, sec. 20; amended by Stats. 1974, c. 126; amended by Stats. 1976, c. 893, eff. Jan. 1, 1977)

54797.1 Annexation to, or detachment from, city; formation of county service area; procedure upon consent of all owners of land

If an application for an annexation to, or a detachment from a city, *or for the formation of a county service area,* is signed by all of the owners of land within the territory proposed to be annexed *to* or detached *from a city or included within the county service area,* or is accompanied by proof, satisfactory to the commission, that all of the owners within such territory have given their written consent to such annexation,*** detachment, *or formation,* the commission may approve such annexation, *** detachment, *or formation,* without notice and hearing. In such cases, the commission may also approve and authorize the *** *city council or board of supervisors, whichever is applicable, to conduct proceedings for the annexation, detachment, or formation* *** *(a)* without notice and hearing *** *(b)* without an election, or *** *(c)* both.

As used in this section, "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.

(Amended by Stats. 1981, c. 310, urgency, effective September 2, 1981.)

54797.2 Final completion of proceedings; certificate of completion

Notwithstanding any other provision of law, the provisions of this section shall apply to the final completion of proceedings for any special district formation approved by the commission pursuant to this chapter.

(a) Immediately after adoption of a resolution ordering the formation of a new district without election, or a resolution confirming an order for the formation of a new district 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.

(1) If the resolution ordering the formation of a new district or confirming such order 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.

(2) If the resolution ordering the formation of a new district or confirming such order 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.

(b) The certificate of completion prepared and executed by the executive officer shall contain the following:

(1) The name of the new district ordered formed and the names of each county within which such district is located.

(2) A description of the boundaries of the new district ordered formed which may be made by reference to the boundaries shown on a map attached to such certificate.

(3) Any terms and conditions of the formation.

(4) The date of adoption of the resolution ordering formation without election or the resolution confirming an order for a formation 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 the resolution to his certificate and refer to the resolution for such information.

(c) 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 such district is located. 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.

(d) The executive officer shall also make such filings as may be provided for by Chapter 8 (commencing with Section 54900) of this part.

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

54797.3 Application for incorporation of a new city or annexation of territory to an existing city; terms and conditions for fire protection districts or county service areas included

(a) Notwithstanding any other provision of law, if an application is for the incorporation of a new city or the annexation of territory to an existing city, the commission may, in any resolution approving such incorporation or annexation, provide that any territory of a fire protection district which is to be dissolved pursuant to Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code as a result of such incorporation or annexation, or any territory which is to be detached from such a fire protection district or a county service area organized pursuant to Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2, Title 3 as a result of such incorporation or annexation, shall be subject to any of the terms and conditions authorized in Section 56470, as the commission may specify in such resolution with respect to such territory.

(b) When, pursuant to Section 13954 of the Health and Safety Code, the commission is required to determine a division of the property and assets of a fire protection district between such district and a city, the commission may by rule provide a procedure for making such determination; provided, however, that any such procedure shall provide that the determination shall be made by resolution adopted by the commission. The commission shall cause a certified copy of any such resolution to be mailed to the legislative bodies of the fire protection district and the city.

(Added by Stats. 1972, c. 576; amended by Stats. 1973, c. 777)

Cross Reference

Health and Safety Code section 13954

54797.4 Request for transcript of proceedings; cost

Any person may, prior to any meeting, request any local agency formation commission to cause a transcript record to be made of such meeting. If the cost of such record is borne by such person, the commission shall cause a transcript record to be made.

(Formerly sec. 54797.3, added by Stats. 1969, c. 1301, p. 2542, sec. 7.5. Renumbered sec. 54797.4 and amended by Stats. 1971, c. 483, p. 969, sec. 4. Section 54797.3 formerly sec. 54797.2, added by Stats. 1969, c. 1301, p. 2542, sec. 7. Renumbered sec. 54797.3 and amended by Stats. 1971, c. 483, p. 968, sec. 2; renumbered sec. 54797.4 and amended by Stats. 1972, c. 576, p.___, sec. 1.)

54798. Two or more 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 determinations 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.

(Amended by Stats. 1967, c. 920, p. 2376, sec. 21.)

54799. New proposal after disapproval; time.

If the commission disapproves a proposal, no further proceeding shall be taken thereon. No application for a subsequent proposal involving any of the same territory and undertaken under the same provisions of law may be filed with the commission for at least one year after the date of disapproval without the consent of the commission.

(Formerly sec. 54799.1, added Stats. 1965, c. 587, p. 1921, sec. 10. Renumbered sec. 54799 and amended Stats. 1965, c. 2045, p. 4780, sec. 22.)

54799.1 Addition, deletion, amendment or revision of resolution; application

If any legislative body, landowner, voter, or other interested person shall desire any addition, deletion, amendment, or revision of any commission resol ion making determinations or any term, condition, or other provision contained therein, including minor or major changes in boundaries of proposed new cities or annexations to existing cities, such legislative body, landowner, voter, or other interested person, shall prior to the completion of proceedings, but not more than *** 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. 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 determination 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 same addition, deletion, amendment, or revision of the commission's resolution making determinations. ***

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

54799.2 Failure to complete proceeding within one year; abandonment; proceeding enjoined

Failure to complete a proceeding within one year after the commission approves a proposal therefor shall be deemed an abandonment of such proceeding unless prior to the expiration of said year the commission shall have authorized an extension of time for such completion. Inability to complete a proceeding because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining such proceedings shall not be deemed failure of completion and said one year period shall be tolled for such time as any such order or decree shall be in effect.

(Added Stats. 1965, c. 2045, p. 4781, sec. 24.)

54799.5 Proceedings affecting boundaries of member district or city and parent district

Notwithstanding the provisions of Section 54779, when an existing or proposed special district or city is eligible to qualify as a member district or city by the annexation of all or any part of the territory of such existing or proposed special district or city to a parent district, or when territory is proposed to be annexed to such existing special district or city which is already a member district or city concurrently with the annexation of such territory to such parent district, the local agency formation commission of the principal county of such special district or city shall have exclusive jurisdiction over all proceedings affecting the boundaries of both the member district or city and the parent district. As used in this section, "member district" and "parent district" shall have the meanings set forth in Sections 56053.1 and 56059.1.

(Added Stats. 1967, c. 920, p. 2389, sec. 61.7.)

Article 4

SPECIAL DISTRICTS

Section

54850. Proceedings for adoption, amendment or repeal of rules and regulations.

54851. Rules and regulations.

54852. Application for formation of a special district.

54853. Adoption of resolution initiating proceedings.

54853.1 Consideration of commission's resolution by independent special district selection committee.

54853.2 Consideration of resolution adopted by independent special district.

54853.5 Certified copy of resolution and text of rules and regulations to be filed.

54854. Minor changes in existing rules and regulations.

54855. Resolution of intention.

54856. Hearing on resolution of intention; notice.

54857. Hearing on resolution of intention; time and place; approval or disapproval.

54858. Advisory committee; appointment; proceedings; definitions.

54859. Advisory committee; executive committee.

54860. Action of committee on report and recommendation of advisory committee.

54861. Hearing on approval of report and recommendation of advisory committees; notice.

Section

54862. Hearing on approval of report and recommendation of advisory committee; time and place; proposal for changes.

54863. Resolution approving report and recommendation of advisory committee.

(Article 4 added by Stats. 1970, c. 1249, p. 2248, sec. 4.5.)

54850. Proceedings for adoption, amendment or repeal of rules and regulations

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

(Added by Stats. 1970, c. 1249, p. 2248, sec. 4.5. Amended by Stats. 1971, c. 1241, p. 2410, sec. 4.)

54851. Rules and regulations

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

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

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

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

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

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

(Added Stats. 1970, c. 1249, p. 2248, sec. 4.5.)

54852. Application for formation of a special district.

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

(Added by Stats. 1970, c. 1249, p. 2249, sec. 4.5.)

54853. Adoption of resolution initiating proceedings

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

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

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

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

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

(Added by Stats. 1970, c. 1249, p. 2250, sec. 4.5. Amended by Stats. 1971, c. 1241, p. 2411, sec. 5.)

54853.1 Consideration of commission's resolution by independent special district selection committee

If the commission adopts a resolution pursuant to subdivision (a) of Section 54853, the executive officer shall immediately call a meeting of the independent special district selection committee referred to in Section 54782.6. The meeting shall be held not less than 15 nor more than 35 days from the adoption of the resolution by the commission. The independent special district selection committee shall meet at the time and place designated by the executive officer and shall consider the commission's resolution. By majority vote of those district representatives voting on the issue, the selection committee shall either (i) approve or, (ii) disapprove the commission's resolution. If the selection committee approves the commission's resolution, it shall immediately inform the executive officer of such action, and the commission at its next meeting shall adopt a resolution of intention pursuant to Section 54855. If the selection committee disapproves the commission's resolution, it shall immediately inform the executive officer of this action and all further proceedings under this article shall cease.

(Added by Stats. 1970, c. 1249, p. 2249, sec. 4.5.)

54853.2 Consideration of resolution adopted by independent special district

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

(Added by Stats. 1970, c. 1249, p. 2250, sec. 4.5.)

54853.5 Certified copy of resolution and text of rules and regulations to be filed

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

(Added by Stats. 1970, c. 1249, p. 2250, sec. 4.5.)

54854. Minor changes in existing rules and regulations

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

(Added by Stats. 1970, c. 1249, p. 2250, sec. 4.5. Amended by Stats. 1971, c. 1241, p. 2411, sec. 6.)

54855. Resolution of intention

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

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

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

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

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

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

(c) If the resolution of intention proposes representation of special districts on the commission, it shall state that

the commission proposes to refer the proposal to a special district advisory committee and the commission shall immediately order the proposal referred thereto pursuant to Section 54858.

(Added by Stats. 1970, c. 1249, p. 2250, sec. 4.5. Amended by Stats. 1971, c. 1241, p. 2411, sec. 7.)

54856. Hearing on resolution of intention; notice

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

(Added by Stats. 1970, c. 1249, p. 2251, sec. 4.5.)

54857. Hearing on resolution of intention; time and place; approval or disapproval

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

(Added by Stats. 1970, c. 1249, p. 2251, sec. 4.5.)

54858. Advisory committee; appointment; proceedings; definitions

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

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

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

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

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

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

(Added by Stats. 1970, c. 1249, p. 2251, sec. 4.5.)

54859. Advisory committee; executive committee

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

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

(Added by Stats. 1970, c. 1249, p. 2252, sec. 4.5.)

54860. Action of commission on report and recommendation of advisory committee

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

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

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

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

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

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

(Added by Stats. 1970, c. 1249, p. 2252, sec. 4.5.)

54861. Hearing on approval of report and recommendation of advisory committee; notice

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

(Added by Stats. 1970, c. 1249, p. 2253, sec. 4.5.)

56862. Hearing on approval of report and recommendation of advisory committee; time and place; proposal for changes

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

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

(Added by Stats. 1970, c. 1249, p. 2253, sec. 4.5.)

54863. Resolution approving report and recommendation of advisory committee

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

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

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

(Added by Stats. 1970, c. 1249, p. 2253, sec. 4.5. Amended by Stats. 1971, c. 1241, p. 2412, sec. 8.)