



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

Notice

LEGISLATIVE COMMITTEE MEETING AND AGENDA

March 16, 2022 ▪ 10:30 AM

Appointed Members

Larry Loder | Tod Moody | Craig Murray

***** BY VIRTUAL TELECONFERENCE ONLY *****

Pursuant to the provisions of the California Governor's Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. No physical location will be available for this meeting. However, members of the public will be able to access and participate in the meeting.

PUBLIC ACCESS AND PUBLIC COMMENT INSTRUCTIONS

PUBLIC ACCESS

Members of the public may access and watch a live stream of the meeting on Zoom at <https://zoom.us/j/4350473750>. Alternately, the public may listen in to the meeting by dialing **(669) 900-6833** and entering **Meeting ID 4350473750#** when prompted.

WRITTEN PUBLIC COMMENTS may be submitted by email to staff@marinlafco.org. Written comments will be distributed to the Commission as quickly as possible. Please note that documents may take up to 24 hours to be posted to the agenda on the LAFCo website.

SPOKEN PUBLIC COMMENTS will be accepted through the teleconference meeting. To address the Commission, click on the link <https://zoom.us/j/4350473750> to access the Zoom-based meeting.

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click on "raise hand" icon. Staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

10:30 AM CALL TO ORDER - Deputy Executive Officer to call the meeting to order

ROLL CALL – Clerk/Jr. Analyst to call the roll

SELECTION OF CHAIR

The Committee shall nominate and select a Chair of the Legislative Committee for calendar year 2022.

PUBLIC COMMENT

This portion of the meeting is reserved for persons desiring to address the Committee on any relevant matter not listed on this agenda and that are within the jurisdiction of the Committee. Speakers are limited to three minutes.

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County of Marin

Judy Arnold, Regular
County of Marin

Damon Connolly, Alternate
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Sashi McEntee, Chair
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Barbara Coler, Regular
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James Campbell, Alternate
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Lew Kiou, Vice Chair
Almonte Valley Sanitary District

Craig K. Murray, Regular
Las Gallinas Sanitary District

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member

BUSINESS ITEMS

The Committee is scheduled to discuss and provide direction on the following items.

1. Approval of Resolution 22-08 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361
2. Approval of May 19, 2021, Meeting Minutes
3. Discussion of SB 938
4. Discussion of AB 2957 (Omnibus Bill)

ADJOURNMENT

Any writings or documents pertaining to an open session item provided to a majority of the Commission less than 72 hours prior to a regular meeting shall be made available for public inspection at Marin LAFCo Administrative Office, 1401 Los Gatos Drive, Suite 220, San Rafael, CA 94903, during normal business hours.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCo and continues until 3 months after a final decision is rendered by LAFCo. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCo office at least three (3) working days prior to the meeting for any requested arraignments or accommodations.



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT
March 16, 2022
Item No. 1 (Business)

TO: Legislative Committee

FROM: Jason Fried, Executive Officer

SUBJECT: **Approval of Resolution 22-08 Allowing for Video and Teleconference Meetings during COVID-19 State of Emergency Under AB 361**

Background and Discussion

AB 361 was passed by the State Legislature and signed by Governor Newsom. It went into effect immediately. AB 361 continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021, that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the Commission can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended or could return to in-person meetings sooner if desired.

On September 22, 2021, the Marin County Director of Health & Human Services recommended social distancing to enhance safety at public meetings. On October 19, 2021, Marin County's Director of Health & Human Services reaffirmed this recommendation. See attachment 2.

The proposed resolution provides the Committee with the option to continue to hold video and teleconference meetings while the state of emergency is still in effect and social distancing is recommended.

In order to continue to hold video and teleconference meetings, the Policy & Personnel Committee will need to review and make findings every thirty days or thereafter that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote social distancing.

Recommendation

1. Approve Resolution 22-08 allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

Attachment:

1. Resolution 22-08 Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361
2. Decisions by Marin County Director of Health & Human Services

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Public Member

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 22-08

RESOLUTION ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE COVID-19 STATE OF EMERGENCY UNDER AB 361

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19; and

WHEREAS, AB 361, which was recently passed by the State Legislature and signed by Governor Newsom, effective immediately, allows the Policy & Personnel Committee to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and the measures to promote social distancing are no longer recommended; and

WHEREAS, the Marin County Director of Health & Human Services has recommended social distancing to enhance safety at public meetings; and

WHEREAS, in light of this recommendation, the Policy & Personnel Committee desires for itself to continue to meet via video and/or teleconference; and

WHEREAS, pursuant to AB 361 the Policy & Personnel Committee will review the findings required to be made every 30 days or thereafter and shall not meet without making those continued findings.

NOW THEREFORE, the Marin Local Agency Formation Commission’s Legislative Committee **DOES HEREBY RESOLVE** that on behalf of itself: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the Commission’s legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote social distancing.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on March 16, 2022 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

[To be Determined], Chair

ATTEST:

APPROVED AS TO FORM:

Jason Fried, Executive Officer

Malathy Subramanian, LAFCo Counsel



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.



Benita McLarin, FACHE
DIRECTOR

20 North San Pedro Road
Suite 2002
San Rafael, CA 94903
415 473 6924 T
415 473 3344 TTY
www.marincounty.org/hhs

October 19, 2021

Dennis Rodoni
President, Board of Supervisors
3501 Civic Center Drive, 3rd Floor
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

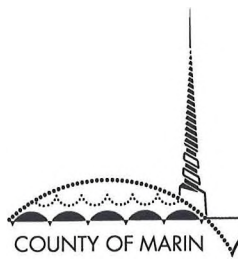
I am writing to confirm that my recommendations in the attached September 22, 2021 letter will remain in place.

Thank you for your consideration.

Respectfully,

Benita McLarin
Director, Health & Human Services

cc: Matthew H. Hymel, CAO
Brian E. Washington, County Counsel



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September 22, 2021

Dennis Rodoni
President, Board of Supervisors
3501 Civic Center Drive, 3rd Floor
San Rafael, CA 94903

Re: Public Meetings/Social Distancing

Dear President Rodoni:

On September 20, 2021, Governor Newsom signed AB 361. The legislation provides that local agencies may continue to hold certain public meetings via video/tele-conference as they have done during the Covid-19 emergency. The legislation allows such meetings to continue during a proclaimed state of emergency if state or local officials have recommended measures to promote social distancing.

Local government meetings are indoor meetings that are sometimes crowded, involve many different and unfamiliar households, and can last many hours. Given those circumstances, I recommend a continued emphasis on social distancing measures as much as possible to make public meetings as safe as possible. These measures can include using video/tele-conferencing when it meets community needs and spacing at in-person meetings so that individuals from different households are not sitting next to each other. I will notify you if this recommendation changes while the Governor's state of emergency for COVID-19 remains in place.

Respectfully,

Benita McLarin
Director, Health & Human Services

cc: Matthew H. Hymel, CAO
Brian E. Washington, County Counsel



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

March 16, 2022

Item No. 2 (Business)

TO: Legislative Committee

FROM: Jeren Seibel, Deputy Executive Officer

SUBJECT: Approve the May 19, 2021 Legislative Committee Meeting Minutes

Background

The Ralph M. Brown Act was enacted by the State Legislature in 1953 and establishes standards and processes therein for the public to attend and participate in meetings of local government bodies as well as those local legislative bodies created by State law; the latter category applying to LAFCOs. The “Brown Act” requires – and among other items – public agencies to maintain minutes for all meetings.

Discussion

The draft minutes for the May 19, 2021 Legislative Committee meeting accurately reflect the Committee’s actions as recorded by staff and are attached. A copy of the approved meeting minutes will be made available online.

Staff Recommendation for Action

- 1. Staff recommendation** – Approve the draft minutes prepared for the Legislative Committee meeting with any desired corrections or clarifications.
- 2. Alternative Option** - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:

- 1) Draft Minutes for May 19, 2021

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Sanitary District 5

Larry Loder, Regular
Public Member

Richard Savel, Alternate
Public Member



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

DRAFT

LEGISLATIVE COMMITTEE MEETING MINUTES

Wednesday, May 19, 2021
1401 Los Gamos Drive Suite 220
San Rafael, California 94903

Appointed Members

Barbara Coler | Craig Murray | Larry Loder

CALL TO ORDER

Executive Officer Fried called the meeting to order at 3:01 PM.

SELECTION OF CHAIR

Commissioner Murray moved to nominate Commissioner Coler to be Chair and Commissioner Loder to be Vice-Chair of the Legislative Committee for the calendar year 2021.

APPROVED; M/S Commissioners Murray and Loder to nominate Commissioner Coler as Committee Chair, and Commissioner Loder as Vice-Chair.

Ayes: Commissioners Murray, Coler, Loder

Noes: None

Absent: None

Abstaining: None

Motion was approved 3-0

Commissioner Coler took over Chairing the meeting.

PUBLIC COMMENT

Chair Coler asked for any public comment. Hearing none, closed public comment.

BUSINESS ITEMS

1. Approval of March 27, 2019, Meeting Minutes

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City of Mill Valley

Barbara Coler, Regular
Town of Fairfax

James Campbell, Alternate
City of Belvedere

Craig K. Murray, Vice Chair
Las Gallinas Valley Sanitary

Lew Kiouss, Regular
Almonte Sanitary District

Tod Moody, Alternate
Sanitary District #5

Larry Loder, Public
Public Member

Richard Savel, Alternate
Public Member

APPROVED; M/S by Commissioners Murray and Loder to approve the minutes of the March 27, 2019 meeting.

Ayes: Commissioners Murray, Coler, Loder

Noes: None

Absent: None

Abstaining: None

Motion was approved by unanimously.

2. Recommendations on Positions for State Legislature

Deputy Executive Officer Seibel updated the Committee on the most recent CALAFCO Legislative Committee meeting and explained CALAFCO's positions taken on all 32 bills that were pertinent to LAFCo that were being considered in Sacramento. He then went on to outline the Marin LAFCo Policy for review of proposed legislation and the formal positions that could be taken on each.

After some discussion amongst Committee members on the content of each of the bills, Commissioner Murray made a motion to approve staff's recommendation.

Approved; M/S by Commissioners Murray and Loder to approve alignment with CALAFCo position as a Priority 3 on all 32 bills itemized on the CALAFCO list, with the exception of AB 1581 which could receive Priority 2.

Ayes: Commissioners Murray, Coler, Loder

Noes: None

Absent: None

Abstaining: None

Approved unanimously.

Chair Coler called the meeting adjourned at 3:34 PM.

ATTEST:

Jeren Seibel
Deputy Executive Officer



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

March 16, 2022

Item No. 3 (Business)

TO: Legislative Committee

FROM: Jeren Seibel, Deputy Executive Officer

SUBJECT: Discussion of SB 938

Background

SB 938 (Hertzberg): Senator Hertzberg introduced AB 938 on February 8, 2022 (copy attached), and it has been assigned to the Senate Governance & Finance Committee. As drafted, the bill will consolidate various sections of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 addressing protest proceedings into one section of the Act, make conforming changes, and remove obsolete provisions. The author plans to amend the bill to change the protest threshold for a Commission-initiated dissolution of a special district, from the current ten percent (10%) to twenty-five percent (25%), consistent with a dissolution proposal for which a proposal has been filed with LAFCo. SB 938 is sponsored by the California Association of Local Agency Formation Commissions (CALAFCO).

As noted in Senator Hertzberg’s SB 238 Fact Sheet:

In 2017, the Little Hoover Commission released a report reviewing the state’s 58 LAFCos and recommended several measures to strengthen their oversight of special districts. Notably, the report highlighted a complicated and inconsistent set of rules for the dissolution or consolidation of a special district. If a LAFCo initiates an action, the action must go to a public vote if only 10 percent of the district’s constituents protest; for a non-LAFCo initiation of the very same action, a public vote is only required if 25 percent of the affected constituents protest the action. These disparate protest thresholds make necessary special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCos to initiate action in the first place, even if meaningful efficiencies in the provision of public services could be achieved, or if a district is failing to meet its statutory requirements.

“Following the Little Hoover Commission report, the California Association of Local Agency Formation Commissions (CALAFCO) formed a working group to discuss the consolidation and dissolution process and to provide LAFCos with the tools they need to carry out their statutory obligations. Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCo may initiate dissolution of a special district with a 25 percent protest threshold, including:

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Public Member

Richard Savel, Alternate
Public Member

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCo prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCo either terminating the dissolution or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.”

While Commission-initiated dissolutions are relatively rare, the lower threshold (10% vs. 25%) can and does deter LAFCOs from acting.

Marin LAFCo Policy section 3.15 gives the Commission the option to take positions and assign priority to any legislation moving through the process in Sacramento. Staff would suggest the “Alignment with CALAFCO” position at the Priority 3 level.

Staff Recommendation for Action

- 1. Staff recommendation** – Recommend to the Commission that on SB 938 we align with CALAFCO at the priority 3 level.
- 2. Alternative Option** - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:

- 1) SB 938 LAFCO Protest Reforms Fact Sheet
- 2) Protest Threshold Resolution Proposal
- 3) SB 938 Full Text



Senate Bill 938

Cortese-Knox-Hertzberg Local Government Reorganization Act: LAFCO Protest Reforms

As Proposed to Be Amended

SUMMARY

SB 938 clarifies existing statutory provisions regarding consolidations and dissolutions of special districts, and creates new conditions under which a Local Agency Formation Commission (LAFCO) may initiate dissolution of a special district.

BACKGROUND

LAFCOs are independent regulatory commissions created by the Legislature to control the boundaries of cities, county service areas, and most special districts. Among the purpose of LAFCOs includes the discouragement of urban sprawl, the preservation of agricultural and open space lands, and the encouragement of the orderly formation and development of local agencies. In an effort to better meet these obligations, the duties and authority of LAFCOs were significantly modified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838, Hertzberg). Chief among the act's provisions is the authority for LAFCOs to conduct Municipal Service Reviews, which, among other things, provide information to guide districts in performance improvement. These reviews can serve as a catalyst for LAFCOs to initiate district consolidations or dissolutions.

ISSUE

In 2017, the Little Hoover Commission released a [report](#) reviewing the state's 58 LAFCOs and recommended several measures to strengthen their oversight of special districts. Notably, the report highlighted a complicated and inconsistent set of rules for the dissolution or consolidation of a special district. If a LAFCO initiates an action, the action must go to a public vote if only 10 percent of the district's constituents protest; for a non-LAFCO initiation of the very same action, a public vote is only required if 25 percent of the affected constituents protest the action. These disparate protest thresholds make necessary special district consolidations and dissolutions considerably more difficult when initiated by a LAFCO. Further, they serve as a deterrent for LAFCOs to initiate action in the first place, even if meaningful efficiencies in the provision of public services could be achieved, or if a district is failing to meet its statutory requirements.

SB 938 (HERTZBERG)

Following the Little Hoover Commission report, the California Association of Local Agency Formation Commissions (CALAFCO) formed a working group to discuss the consolidation and dissolution process and to provide LAFCOs with the tools they need to carry out their statutory obligations. Consistent with agreements made in this three-year effort, SB 938, as proposed to be amended, creates specific conditions under which a LAFCO may initiate dissolution of a special district with a 25 percent protest threshold, including:

- Determinations for the proposed action must be documented in a Municipal Service Review and presented at a 21-day noticed public hearing;
- The district in question must be granted a minimum 12-month remediation period and an opportunity to provide a progress report to the LAFCO prior to taking any action;
- A second 21-day public hearing must be held to determine if the identified issues are mitigated, resulting in the LAFCO either terminating the dissolution, or moving forward under the standard protest hearing process outlined in existing law with a public notice period of 60 days.

SUPPORT

California Association of Local Agency Formation Commissions (Sponsor)



PROTEST THRESHOLD RESOLUTION PROPOSAL (To be amended into SB 938)

PROCESS OUTLINE

Commission Proceedings LAFCo Initiated Dissolution		
	Current Process	Proposed Process
<p>Step 1: Resolution of application</p> <p>NEW Proposed process Step 1: Adoption/acceptance/approval of MSR with any determinations described in the required conditions list.</p>	<p>Commission adopts a resolution of application for dissolution of district (§ 56375(a)(2))</p>	<p>Commission approves, adopts or accepts the MSR and determinations in a 21-day noticed public hearing.</p> <p>(Changes to be made in 56375)</p>
<p>Step 2:</p> <p>NEW Proposed process step 2: Adopt resolution of intent to initiate dissolution.</p>		<p>Should the determinations point to a condition described in the required conditions list, the LAFCo may also adopt a resolution of intent to initiate dissolution of the district. Resolution must contain the prescribed remediation period (of not less than 12 months). This does not trigger the dissolution process. Instead, it gives the district the remediation period to resolve. This can be done at the same hearing, a separate 21-day noticed public hearing following the previous action, or at a later time.</p>
<p>Step 3:</p> <p>NEW Remediation Period Mid-Point Check-In</p>		<p>Remediation period – district takes steps to remedy deficiencies in the time frame identified by commission.</p> <p>District provides LAFCo a progress report at the half-way point of the remediation period (as adopted in the resolution) at a regularly scheduled commission meeting.</p>
<p>Step 4:</p> <p>NEW Public Hearing to determine final action at end of remediation period</p>		<p>Public Hearing – Commission holds 21-day noticed public hearing at the end of the remediation period to determine</p>

		<p>if district has remedied deficiencies.</p> <p>If district has resolved issues, commission rescinds the resolution of intent to dissolve the district and the matter is dropped.</p> <p>If not, commission adopts a resolution making determinations to dissolve the district</p>
Step 5:	Reconsideration - Approval of dissolution begins 30-day reconsideration period (§ 56895)	Same
Step 6:	Protest – Initiate protest proceedings (can be initiated prior to end of reconsideration period)	Same
Conducting Authority (Protest) Proceedings		
	Current Process	Proposed Process
Step 6: Protest process	Protest hearing is scheduled, and public notice given. Public notice begins protest period of 21 to 60 days (§ 57002). Protest hearing must be held in affected territory (§ 57008)	60 days only for these specific instances. (All others remain at 21-60 days.)
Step 7: Protest hearing	Protest hearing is held and amount of qualified protests determined, pursuant to § 57113 (10% threshold)	Protest hearing is held and amount of qualified protests determined, pursuant to § 57077.1 (at 25% threshold)
Step 8: Dissolution ordered	Order dissolution, election, or termination	Same

REQUIRED CONDITIONS

If a final MSR approved by the Commission in an open and public meeting per the process above includes findings, based on a preponderance of the evidence, that one or more of the following conditions have been met, then the LAFCO may utilize a new LAFCO-initiated dissolution process with a 25 percent protest threshold:

1. The agency has one or more documented chronic service provision deficiencies that substantially deviate from industry or trade association standards or other government regulations and its board or management is not actively engaged in efforts to remediate the documented service deficiencies.
2. The agency spent public funds in an unlawful or reckless manner inconsistent with the principal act or other statute governing the agency and has not taken any action to prevent similar future spending.
3. The agency has consistently shown willful neglect by failing to consistently adhere to the California Public Records Act and other public disclosure laws the agency is subject to.
4. The agency has failed to meet the minimum number of times required in its governing act in the prior calendar year and has taken no action to remediate the failures to meet to ensure future meetings are conducted on a timely basis.
5. The agency has consistently failed to perform timely audits in the prior three years, or failed to meet minimum financial requirements under Government Code section 26909 over the prior five years as an alternative to performing an audit, or the agency's recent annual audits show chronic issues with the agency's fiscal controls and the agency has taken no action to remediate the issues.

Introduced by Senator Hertzberg
(Coauthor: Assembly Member Mayes)

February 8, 2022

An act to amend Sections 56824.14, 57075, 57077.1, 57077.2, 57077.3, 57077.4, and 57090 of, to add Sections 57077.5 and 57077.6 to, to add Chapter 4.5 (commencing with Section 57091) to Part 4 of Division 3 of Title 5 of, and to repeal Sections 57076, 57107, and 57113 of, the Government Code, and to amend Section 116687 of the Health and Safety Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 938, as introduced, Hertzberg. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. Under existing law, in each county there is a local agency formation commission (commission) that oversees these changes of organization and reorganization.

With a specified exception, existing law provides for protest proceedings for a change of organization or reorganization following adoption of a resolution making certain determinations by the commission, as provided. Existing law sets forth required procedures for the commission following a protest hearing depending on the nature of the conducting authority, as defined, the type of change of organization or reorganization, and the results of the protest proceeding.

The bill would reorganize and consolidate the above-described procedures. The bill would make conforming changes and remove obsolete provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

1 SECTION 1. Section 56824.14 of the Government Code is
 2 amended to read:

3 56824.14. (a) The commission shall review and approve with
 4 or without amendments, wholly, partially, or conditionally, or
 5 disapprove proposals for the establishment of new or different
 6 functions or class of services, or the divestiture of the power to
 7 provide particular functions or class of services, within all or part
 8 of the jurisdictional boundaries of a special district, after a public
 9 hearing called and held for that purpose. The commission shall
 10 not approve a proposal for the establishment of new or different
 11 functions or class of services within the jurisdictional boundaries
 12 of a special district unless the commission determines that the
 13 special district will have sufficient revenues to carry out the
 14 proposed new or different functions or class of services except as
 15 specified in paragraph (1).

16 (1) The commission may approve a proposal for the
 17 establishment of new or different functions or class of services
 18 within the jurisdictional boundaries of a special district where the
 19 commission has determined that the special district will not have
 20 sufficient revenue to provide the proposed new or different
 21 functions or class of services, if the commission conditions its
 22 approval on the concurrent approval of sufficient revenue sources
 23 pursuant to Section 56886. In approving a proposal, the
 24 commission shall provide that if the revenue sources pursuant to
 25 Section 56886 are not approved, the authority of the special district
 26 to provide new or different functions or class of services shall not
 27 be established.

28 (2) Unless otherwise required by the principal act of the subject
 29 special district, or unless otherwise required by Section ~~57075~~ or
 30 ~~57076~~, 57075, the approval by the commission for establishment
 31 of new or different functions or class of services, or the divestiture

1 of the power to provide particular functions or class of services,
2 shall not be subject to an election.

3 (b) At least 21 days prior to the date of that hearing, the
4 executive officer shall give mailed notice of the hearing to each
5 affected local agency or affected county, and to any interested
6 party who has filed a written request for notice with the executive
7 officer. In addition, at least 21 days prior to the date of that hearing,
8 the executive officer shall cause notice of the hearing to be
9 published in accordance with Section 56153 in a newspaper of
10 general circulation that is circulated within the territory affected
11 by the proposal proposed to be adopted.

12 (c) The commission may continue from time to time any hearing
13 called pursuant to this section. The commission shall hear and
14 consider oral or written testimony presented by any affected local
15 agency, affected county, or any interested person who appears at
16 any hearing called and held pursuant to this section.

17 SEC. 2. Section 57075 of the Government Code is amended
18 to read:

19 ~~57075. In the case of registered voter districts or cities, where~~
20 *Where* a change of organization or reorganization consists solely
21 of annexations, detachments, the exercise of new or different
22 functions or class of services or the divestiture of the power to
23 provide particular functions or class of services within all or part
24 of the jurisdictional boundaries of a special district, or any
25 combination of those proposals, the commission, not more than
26 30 days after the conclusion of the hearing, shall make a finding
27 regarding the value of written protests filed and not withdrawn,
28 ~~and take one of the following actions, except as provided in~~
29 ~~subdivision (b) of Section 57002:~~ *take the action set forth in either*
30 *subdivision (a) of Section 57091, in the case of registered voter*
31 *districts or cities, or subdivision (b) of Section 57091, in the case*
32 *of landowner-voter districts.*

33 ~~(a) In the case of inhabited territory, take one of the following~~
34 ~~actions:~~

35 ~~(1) Terminate proceedings if a majority protest exists in~~
36 ~~accordance with Section 57078.~~

37 ~~(2) Order the change of organization or reorganization subject~~
38 ~~to confirmation by the registered voters residing within the affected~~
39 ~~territory if written protests have been filed and not withdrawn by~~
40 ~~either of the following:~~

- 1 (A) At least 25 percent, but less than 50 percent, of the registered
- 2 voters residing in the affected territory.
- 3 (B) At least 25 percent of the number of owners of land who
- 4 also own at least 25 percent of the assessed value of land within
- 5 the affected territory.
- 6 ~~(3) Order the change of organization or reorganization without~~
- 7 ~~an election if paragraphs (1) and (2) of this subdivision do not~~
- 8 ~~apply.~~
- 9 ~~(b) In the case of uninhabited territory, take either of the~~
- 10 ~~following actions:~~
- 11 ~~(1) Terminate proceedings if a majority protest exists in~~
- 12 ~~accordance with Section 57078.~~
- 13 ~~(2) Order the change of organization or reorganization if written~~
- 14 ~~protests have been filed and not withdrawn by owners of land who~~
- 15 ~~own less than 50 percent of the total assessed value of land within~~
- 16 ~~the affected territory.~~
- 17 SEC. 3. Section 57076 of the Government Code is repealed.
- 18 ~~57076. In the case of landowner-voter districts, where a change~~
- 19 ~~of organization or reorganization consists solely of annexations~~
- 20 ~~or detachments, the exercise of new or different functions or class~~
- 21 ~~of services or the divestiture of the power to provide particular~~
- 22 ~~functions or class of services within all or part of the jurisdictional~~
- 23 ~~boundaries of a special district, or any combination of those~~
- 24 ~~proposals, the commission, not more than 30 days after the~~
- 25 ~~conclusion of the hearing, shall make a finding regarding the value~~
- 26 ~~of written protests filed and not withdrawn, and take one of the~~
- 27 ~~following actions, except as provided in subdivision (b) of Section~~
- 28 ~~57002:~~
- 29 ~~(a) Terminate proceedings if a majority protest exists in~~
- 30 ~~accordance with Section 57078.~~
- 31 ~~(b) Order the change of organization or reorganization subject~~
- 32 ~~to an election within the affected territory if written protests that~~
- 33 ~~have been filed and not withdrawn represent either of the following:~~
- 34 ~~(1) Twenty-five percent or more of the number of owners of~~
- 35 ~~land who also own 25 percent or more of the assessed value of~~
- 36 ~~land within the territory.~~
- 37 ~~(2) Twenty-five percent or more of the voting power of~~
- 38 ~~landowner voters entitled to vote as a result of owning property~~
- 39 ~~within the territory.~~

1 ~~(e) Order the change of organization or reorganization without~~
2 ~~an election if written protests have been filed and not withdrawn~~
3 ~~by less than 25 percent of the number of owners of land who own~~
4 ~~less than 25 percent of the assessed value of land within the~~
5 ~~affected territory.~~

6 SEC. 4. Section 57077.1 of the Government Code is amended
7 to read:

8 57077.1. (a) If a change of organization consists of a
9 dissolution, the commission shall order the dissolution without
10 confirmation of the voters, except if the proposal meets the
11 requirements of subdivision (b), the commission shall order the
12 dissolution subject to confirmation of the voters.

13 (b) The commission shall order the dissolution subject to the
14 confirmation of the voters as follows:

15 (1) If the proposal was not initiated by the commission, and if
16 a subject agency has not objected by resolution to the proposal,
17 the commission has found that protests meet ~~one of the following~~
18 ~~the applicable~~ protest ~~thresholds; thresholds set forth in Section~~
19 ~~57093.~~

20 ~~(A) In the case of inhabited territory, protests have been signed~~
21 ~~by either of the following:~~

22 ~~(i) At least 25 percent of the number of landowners within the~~
23 ~~affected territory who own at least 25 percent of the assessed value~~
24 ~~of land within the territory.~~

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

27 ~~(B) In the case of a landowner-voter district, that the territory~~
28 ~~is uninhabited and that protests have been signed by at least 25~~
29 ~~percent of the number of landowners within the affected territory~~
30 ~~owning at least 25 percent of the assessed value of land within the~~
31 ~~territory.~~

32 (2) If the proposal was not initiated by the commission, and if
33 a subject agency has objected by resolution to the proposal, written
34 protests have been submitted ~~as follows; that meet the applicable~~
35 ~~protest thresholds set forth in Section 57094.~~

36 ~~(A) In the case of inhabited territory, protests have been signed~~
37 ~~by either of the following:~~

38 ~~(i) At least 25 percent of the number of landowners within any~~
39 ~~subject agency within the affected territory who own at least 25~~
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, any subject agency~~
3 ~~within the affected territory.~~

4 ~~(B) In the case of a landowner-voter district, that the territory~~
5 ~~is uninhabited and protests have been signed by at least 25 percent~~
6 ~~of the number of landowners within any subject agency within the~~
7 ~~affected territory, owning at least 25 percent of the assessed value~~
8 ~~of land within the subject agency.~~

9 (3) If the proposal was initiated by the commission, and
10 regardless of whether a subject agency has objected to the proposal
11 by resolution, written protests have been submitted that meet the
12 requirements of Section ~~57113~~. 57077.6.

13 (c) Notwithstanding subdivisions (a) and (b) and Sections 57102
14 and 57103, if a change of organization consists of the dissolution
15 of a district that is consistent with a prior action of the commission
16 pursuant to Section 56378, 56425, or 56430, the commission may
17 do either of the following:

18 (1) If the dissolution is initiated by the district board,
19 immediately approve and order the dissolution without an election
20 or protest proceedings pursuant to this part.

21 (2) If the dissolution is initiated by an affected local agency, by
22 the commission pursuant to Section 56375, or by petition pursuant
23 to Section 56650, order the dissolution after holding at least one
24 noticed public hearing, and after conducting protest proceedings
25 in accordance with this part. Notwithstanding any other law, the
26 commission shall terminate proceedings if a majority protest exists
27 in accordance with Section 57078. If a majority protest is not
28 found, the commission shall order the dissolution without an
29 election.

30 SEC. 5. Section 57077.2 of the Government Code is amended
31 to read:

32 57077.2. (a) If the change of organization consists of a
33 consolidation of two or more districts, the commission shall order
34 the consolidation without confirmation by the voters, except that
35 if the proposal meets the requirements of subdivision (b), the
36 commission shall order the consolidation subject to confirmation
37 of the voters.

38 (b) The commission shall order the consolidation subject to the
39 confirmation of the voters as follows:

1 (1) If the commission has approved a proposal submitted by
2 resolution of a majority of the members of the legislative bodies
3 of two or more local agencies pursuant to Section 56853, and the
4 commission has found that protests meet ~~one of the following~~ *the*
5 *applicable* protest ~~thresholds;~~ *thresholds set forth in Section 57093.*

6 ~~(A) In the case of inhabited territory, protests have been signed~~
7 ~~by either of the following:~~

8 ~~(i) At least 25 percent of the number of landowners within the~~
9 ~~territory subject to the consolidation who own at least 25 percent~~
10 ~~of the assessed value of land within the territory.~~

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

13 ~~(B) In the case of a landowner-voter district, the territory is~~
14 ~~uninhabited and protests have been signed by at least 25 percent~~
15 ~~of the number of landowners within the territory subject to the~~
16 ~~consolidation, owning at least 25 percent of the assessed value of~~
17 ~~land within the territory.~~

18 (2) If the commission has approved a proposal not initiated by
19 the commission and if a subject agency has not objected by
20 resolution to the proposal, written protests have been submitted
21 that meet the requirements specified in subparagraph (A) or (B)
22 of paragraph (1). *applicable protest thresholds set forth in Section*
23 *57093.*

24 (3) If the proposal was not initiated by the commission, and if
25 a subject agency has objected by resolution to the proposal, written
26 protests have been submitted ~~as follows:~~ *that meet one of the*
27 *protest thresholds set forth in Section 57094.*

28 ~~(A) In the case of inhabited territory, protests have been signed~~
29 ~~by either of the following:~~

30 ~~(i) At least 25 percent of the number of landowners within any~~
31 ~~subject agency within the affected territory who own at least 25~~
32 ~~percent of the assessed value of land within the territory.~~

33 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
34 ~~of residing within, or owning land within, any subject agency~~
35 ~~within the affected territory.~~

36 ~~(B) In the case of a landowner-voter district, the territory is~~
37 ~~uninhabited, and protests have been signed by at least 25 percent~~
38 ~~of the number of landowners within any subject agency within the~~
39 ~~affected territory, owning at least 25 percent of the assessed value~~
40 ~~of land within the subject agency.~~

1 (4) If the commission has approved a proposal initiated by the
 2 commission, and regardless of whether a subject agency has
 3 objected to the proposal by resolution, written protests have been
 4 submitted that meet the requirements of Section ~~57113~~: 57077.6.

5 SEC. 6. Section 57077.3 of the Government Code is amended
 6 to read:

7 57077.3. (a) If a proposal consists of a reorganization not
 8 described in Section 57075, ~~57076~~, 57077, 57077.4, or 57111, the
 9 commission shall order the reorganization without confirmation
 10 by the voters except that if the reorganization meets the
 11 requirements of subdivision (b), the commission shall order the
 12 reorganization subject to confirmation of the voters.

13 (b) The commission shall order the reorganization subject to
 14 confirmation of the voters as follows:

15 (1) If the commission has approved a proposal submitted by
 16 resolution of a majority of the members of the legislative bodies
 17 of two or more local agencies pursuant to Section 56853, and the
 18 commission has found that protests meet ~~one of the following~~ *the*
 19 *applicable* protest ~~thresholds~~: *thresholds set forth in Section 57093*.

20 (A) ~~In the case of inhabited territory, protests have been signed~~
 21 ~~by either of the following:~~

22 (i) ~~At least 25 percent of the number of landowners within the~~
 23 ~~affected territory who own at least 25 percent of the assessed value~~
 24 ~~of land within the territory.~~

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

27 (B) ~~In the case of a landowner-voter district, that the territory~~
 28 ~~is uninhabited, and that protests have been signed by at least 25~~
 29 ~~percent of the number of landowners within the affected territory,~~
 30 ~~owning at least 25 percent of the assessed value of land within the~~
 31 ~~territory.~~

32 (2) If the commission has approved a proposal not initiated by
 33 the commission, and if a subject agency has not objected by
 34 resolution to the proposal, a written protest has been submitted
 35 that meets ~~the requirements specified in subparagraph (A) or (B)~~
 36 ~~of paragraph (1)~~: *the applicable protest thresholds set forth in*
 37 *Section 57093*.

38 (3) If the commission has approved a proposal not initiated by
 39 the commission, and if a subject agency has objected by resolution

1 to the proposal, written protests have been submitted as follows:
2 *that meet one of the protest thresholds set forth in Section 57094.*

3 ~~(A) In the case of inhabited territory, protests have been signed~~
4 ~~by either of the following:~~

5 ~~(i) At least 25 percent of the number of landowners within any~~
6 ~~subject agency within the affected territory who own at least 25~~
7 ~~percent of the assessed value of land within the territory.~~

8 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
9 ~~of residing within, or owning land within, any subject agency~~
10 ~~within the affected territory.~~

11 ~~(B) In the case of a landowner-voter district, the territory is~~
12 ~~uninhabited, and protests have been signed by at least 25 percent~~
13 ~~of the number of landowners within any subject agency within the~~
14 ~~affected territory, owning at least 25 percent of the assessed value~~
15 ~~of land within the subject agency.~~

16 (4) If the commission has approved a proposal initiated by the
17 commission, and regardless of whether a subject agency has
18 objected to the proposal by resolution, written protests have been
19 submitted that meet the requirements of Section ~~57113.~~ 57077.6.

20 ~~(e) This section shall not apply to reorganizations governed by~~
21 ~~Sections 56853.5 and 56853.6.~~

22 SEC. 7. Section 57077.4 of the Government Code is amended
23 to read:

24 57077.4. (a) If a reorganization consists of the dissolution of
25 one or more districts and the annexation of all or substantially all
26 the territory to another district not initiated pursuant to Section
27 56853 or by the commission pursuant to Section 56375, the
28 commission shall order the reorganization without confirmation
29 by the voters except that if the reorganization meets the
30 requirements of subdivision ~~(b),~~ (b) or (c), the commission shall
31 order the reorganization subject to confirmation by the voters.

32 (b) The commission shall order the reorganization subject to
33 confirmation by the ~~voters as follows:~~ voters, if written protests
34 have been submitted that meet the applicable protest thresholds
35 set forth in Section 57094.

36 ~~(1) In the case of inhabited territory, protests have been signed~~
37 ~~by either of the following:~~

38 ~~(A) At least 25 percent of the number of landowners within any~~
39 ~~subject agency within the affected territory who own at least 25~~
40 ~~percent of the assessed value of land within the territory.~~

1 ~~(B) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, any subject agency~~
3 ~~within the affected territory.~~

4 ~~(2) In the case of a landowner-voter district, the territory is~~
5 ~~uninhabited, and protests have been signed by at least 25 percent~~
6 ~~of the number of landowners within any subject agency within the~~
7 ~~affected territory, owning at least 25 percent of the assessed value~~
8 ~~of land within the subject agency.~~

9 ~~(3) If~~

10 ~~(c) The commission shall order the reorganization subject to~~
11 ~~confirmation by the voters if the reorganization has been initiated~~
12 ~~by the commission pursuant to Section 56375, 56375 and protests~~
13 ~~have been submitted that meet the requirements of Section 57113.~~
14 ~~57077.6.~~

15 SEC. 8. Section 57077.5 is added to the Government Code, to
16 read:

17 57077.5. (a) In any resolution ordering a merger or
18 establishment of a subsidiary district, the commission shall approve
19 the change of organization without an election except that if the
20 change of organization meets the requirements of subdivision (b),
21 the commission shall order the change of organization subject to
22 confirmation of the voters.

23 (b) The commission shall order the change of organization
24 subject to confirmation of the voters within any subject agency as
25 follows:

26 (1) If the proposal was not initiated by the commission, and if
27 a subject agency has not objected by resolution to the proposal,
28 the commission has found that protests meet the applicable protest
29 thresholds set forth in Section 57093.

30 (2) If the proposal was not initiated by the commission, and if
31 a subject agency has objected by resolution to the proposal, written
32 protests have been submitted that meet the applicable protest
33 thresholds set forth in Section 57094.

34 (3) If the proposal was initiated by the commission, and
35 regardless of whether a subject agency has objected to the proposal
36 by resolution, written protests have been submitted that meet the
37 requirements of Section 57077.6.

38 (c) Notwithstanding subdivision (a) or (b), the commission shall
39 not order the merger or establishment of a subsidiary district
40 without the consent of the subject city.

1 SEC. 9. Section 57077.6 is added to the Government Code, to
2 read:

3 57077.6. Notwithstanding Section 57102, 57108, or 57111,
4 for any proposal that was initiated by the commission pursuant to
5 subdivision (a) of Section 56375, the commission shall forward
6 the change of organization or reorganization for confirmation by
7 the voters if the commission finds written protests have been
8 submitted that meet the applicable protest thresholds set forth in
9 Section 57094.

10 SEC. 10. Section 57090 of the Government Code is amended
11 to read:

12 57090. (a) Except as otherwise provided in subdivision (b), if
13 proceedings are terminated, either by majority protest as provided
14 in Sections ~~57075, 57076~~, 57075 and 57077, or if a majority of
15 voters do not confirm the change of organization or reorganization
16 as provided in Section 57179, no substantially similar proposal
17 for a change of organization or reorganization of the same or
18 substantially the same territory may be filed with the commission
19 within two years after the date of the certificate of termination if
20 the proposal included an incorporation or city consolidation and
21 within one year for any other change of organization or
22 reorganization.

23 (b) The commission may waive the requirements of subdivision
24 (a) if it finds these requirements are detrimental to the public
25 interest.

26 SEC. 11. Chapter 4.5 (commencing with Section 57091) is
27 added to Part 4 of Division 3 of Title 5 of the Government Code,
28 to read:

29

30 CHAPTER 4.5. PROTEST THRESHOLDS

31

32 57091. (a) For purposes of Section 57075, relating to
33 annexations, detachments, and latent powers, in the case of
34 registered voter districts or cities:

35 (1) For inhabited territory, the commission shall take one of the
36 following actions:

37 (A) Terminate proceedings if a majority protest exists in
38 accordance with Section 57078.

39 (B) Order the change of organization or reorganization subject
40 to confirmation by the registered voters residing within the affected

1 territory if written protests have been filed and not withdrawn by
2 either of the following:

3 (i) At least 25 percent, but less than 50 percent, of the registered
4 voters residing in the affected territory.

5 (ii) At least 25 percent of the number of owners of land who
6 also own at least 25 percent of the assessed value of land within
7 the affected territory.

8 (C) Order the change of organization or reorganization without
9 an election if subparagraphs (A) and (B) of this paragraph do not
10 apply.

11 (2) For uninhabited territory, the commission shall take either
12 of the following actions:

13 (A) Terminate proceedings if a majority protest exists in
14 accordance with Section 57078.

15 (B) Order the change of organization or reorganization if written
16 protests have been filed and not withdrawn by owners of land who
17 own less than 50 percent of the total assessed value of land within
18 the affected territory.

19 (b) For purposes of Section 57075, in the case of
20 landowner-voter districts, the commission shall take one of the
21 following actions:

22 (1) Terminate proceedings if a majority protest exists in
23 accordance with Section 57078.

24 (2) Order the change of organization or reorganization subject
25 to an election within the affected territory if written protests that
26 have been filed and not withdrawn represent either of the following:

27 (A) Twenty-five percent or more of the number of owners of
28 land who also own 25 percent or more of the assessed value of
29 land within the affected territory.

30 (B) Twenty-five percent or more of the voting power of
31 landowner voters entitled to vote as a result of owning property
32 within the affected territory.

33 (3) Order the change of organization or reorganization without
34 an election if written protests have been filed and not withdrawn
35 by less than 25 percent of the number of owners of land who own
36 less than 25 percent of the assessed value of land within the
37 affected territory.

38 57092. For purposes of Sections 57077.1, relating to
39 dissolution, 57077.2, relating to consolidation, 57077.3, relating
40 to reorganization, 57077.4, relating to dissolution and annexation,

1 and 57077.5, relating to merger or establishment of a subsidiary
2 district, the following protest thresholds shall apply:

3 (a) In the case of inhabited territory, protests have been signed
4 by either of the following:

5 (1) At least 25 percent of the number of landowners within the
6 affected territory who own at least 25 percent of the assessed value
7 of land within the affected territory.

8 (2) At least 25 percent of the voters entitled to vote as a result
9 of residing within, or owning land within, the affected territory.

10 (b) In the case of a landowner-voter district, that the territory
11 is uninhabited and that protests have been signed by at least 25
12 percent of the number of landowners within the affected territory
13 owning at least 25 percent of the assessed value of land within the
14 affected territory.

15 57093. For proposals not initiated by the commission and where
16 a subject agency has objected by resolution to the proposal, for
17 purposes of Sections 57077.1, relating to dissolution, 57077.2,
18 relating to consolidation, 57077.3, relating to reorganization,
19 57077.4, relating to dissolution and annexation, and 57077.5,
20 relating to merger or establishment of a subsidiary district, the
21 following protest thresholds shall apply:

22 (a) In the case of inhabited territory, protests have been signed
23 by either of the following:

24 (1) At least 25 percent of the number of landowners within any
25 subject agency within the affected territory who own at least 25
26 percent of the assessed value of land within the affected territory.

27 (2) At least 25 percent of the voters entitled to vote as a result
28 of residing within, or owning land within, any subject agency
29 within the affected territory.

30 (b) In the case of a landowner-voter district, that the territory
31 is uninhabited and protests have been signed by at least 25 percent
32 of the number of landowners within any subject agency within the
33 affected territory, owning at least 25 percent of the assessed value
34 of land within the subject agency.

35 57094. For purposes of Section 57077.6, relating to proposals
36 initiated by the commission, the following protest thresholds shall
37 apply:

38 (a) In the case of inhabited territory, protests have been signed
39 by either of the following:

1 (1) At least 10 percent of the number of landowners within any
2 subject agency within the affected territory who own at least 10
3 percent of the assessed value of land within the territory. However,
4 if the number of landowners within a subject agency is less than
5 300, the protests shall be signed by at least 25 percent of the
6 landowners who own at least 25 percent of the assessed value of
7 land within the affected territory of the subject agency.

8 (2) At least 10 percent of the voters entitled to vote as a result
9 of residing within, or owning land within, any subject agency
10 within the affected territory. However, if the number of voters
11 entitled to vote within a subject agency is less than 300, the protests
12 shall be signed by at least 25 percent of the voters entitled to vote.

13 (b) In the case of a landowner-voter district, the territory is
14 uninhabited and protests have been signed by at least 10 percent
15 of the number of landowners within any subject agency within the
16 affected territory, who own at least 10 percent of the assessed value
17 of land within the territory. However, if the number of landowners
18 entitled to vote within a subject agency is less than 300, protests
19 shall be signed by at least 25 percent of the landowners entitled to
20 vote.

21 SEC. 12. Section 57107 of the Government Code is repealed.

22 ~~57107. (a) In any resolution ordering a merger or establishment~~
23 ~~of a subsidiary district, the commission shall approve the change~~
24 ~~of organization without an election except that if the change of~~
25 ~~organization meets the requirements of subdivision (b), the~~
26 ~~commission shall order the change of organization subject to~~
27 ~~confirmation of the voters.~~

28 ~~(b) The commission shall order the change of organization~~
29 ~~subject to confirmation of the voters within any subject agency as~~
30 ~~follows:~~

31 ~~(1) If the proposal was not initiated by the commission, and if~~
32 ~~a subject agency has not objected by resolution to the proposal,~~
33 ~~the commission has found that protests meet one of the following~~
34 ~~protest thresholds:~~

35 ~~(A) In the case of inhabited territory, protests have been signed~~
36 ~~by either of the following:~~

37 ~~(i) At least 25 percent of the number of landowners within the~~
38 ~~affected territory who own at least 25 percent of the assessed value~~
39 ~~of land within the territory.~~

1 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
2 ~~of residing within, or owning land within, the affected territory.~~

3 ~~(B) In the case of a landowner-voter district, that the territory~~
4 ~~is uninhabited and that protests have been signed by at least 25~~
5 ~~percent of the number of landowners within the affected territory~~
6 ~~owning at least 25 percent of the assessed value of land within the~~
7 ~~territory.~~

8 ~~(2) If the proposal was not initiated by the commission, and if~~
9 ~~a subject agency has objected by resolution to the proposal, written~~
10 ~~protests have been submitted as follows:~~

11 ~~(A) In the case of inhabited territory, protests have been signed~~
12 ~~by either of the following:~~

13 ~~(i) At least 25 percent of the number of landowners within any~~
14 ~~subject agency within the affected territory who own at least 25~~
15 ~~percent of the assessed value of land within the territory.~~

16 ~~(ii) At least 25 percent of the voters entitled to vote as a result~~
17 ~~of residing within, or owning land within, any subject agency~~
18 ~~within the affected territory.~~

19 ~~(B) In the case of a landowner-voter district, that the territory~~
20 ~~is uninhabited and protests have been signed by at least 25 percent~~
21 ~~of the number of landowners within any subject agency within the~~
22 ~~affected territory, owning at least 25 percent of the assessed value~~
23 ~~of land within the subject agency.~~

24 ~~(3) If the proposal was initiated by the commission, and~~
25 ~~regardless of whether a subject agency has objected to the proposal~~
26 ~~by resolution, written protests have been submitted that meet the~~
27 ~~requirements of Section 57113.~~

28 ~~(e) Notwithstanding subdivision (a) or (b), the commission shall~~
29 ~~not order the merger or establishment of a subsidiary district~~
30 ~~without the consent of the subject city.~~

31 SEC. 13. Section 57113 of the Government Code is repealed.

32 ~~57113. Notwithstanding Section 57102, 57108, or 57111, for~~
33 ~~any proposal that was initiated by the commission pursuant to~~
34 ~~subdivision (a) of Section 56375, the commission shall forward~~
35 ~~the change of organization or reorganization for confirmation by~~
36 ~~the voters if the commission finds either of the following:~~

37 ~~(a) In the case of inhabited territory, protests have been signed~~
38 ~~by either of the following:~~

39 ~~(1) At least 10 percent of the number of landowners within any~~
40 ~~subject agency within the affected territory who own at least 10~~

1 percent of the assessed value of land within the territory. However,
 2 if the number of landowners within a subject agency is less than
 3 300, the protests shall be signed by at least 25 percent of the
 4 landowners who own at least 25 percent of the assessed value of
 5 land within the territory of the subject agency.

6 ~~(2) At least 10 percent of the voters entitled to vote as a result~~
 7 ~~of residing within, or owning land within, any subject agency~~
 8 ~~within the affected territory. However, if the number of voters~~
 9 ~~entitled to vote within a subject agency is less than 300, the protests~~
 10 ~~shall be signed by at least 25 percent of the voters entitled to vote.~~

11 ~~(b) In the case of a landowner-voter district, the territory is~~
 12 ~~uninhabited and protests have been signed by at least 10 percent~~
 13 ~~of the number of landowners within any subject agency within the~~
 14 ~~affected territory, who own at least 10 percent of the assessed value~~
 15 ~~of land within the territory. However, if the number of landowners~~
 16 ~~entitled to vote within a subject agency is less than 300, protests~~
 17 ~~shall be signed by at least 25 percent of the landowners entitled to~~
 18 ~~vote.~~

19 SEC. 14. Section 116687 of the Health and Safety Code is
 20 amended to read:

21 116687. (a) For purposes of this section, the following terms
 22 have the following meanings:

23 (1) “District” means the Sativa-Los Angeles County Water
 24 District.

25 (2) “Commission” means the Local Agency Formation
 26 Commission for the County of Los Angeles.

27 (b) To provide affordable, safe drinking water to disadvantaged
 28 communities, the state board shall order the district to accept
 29 administrative and managerial services, including full management
 30 and control, from an administrator selected by the state board, as
 31 prescribed in Section 116686, except that the state board is not
 32 required to conduct a public meeting as described in paragraph (2)
 33 of subdivision (b) of Section 116686.

34 (c) (1) Upon the appointment of an administrator, all of the
 35 following apply:

36 (A) Notwithstanding Article 1 (commencing with Section
 37 30500) of Chapter 1 of Part 3 of Division 12 of the Water Code,
 38 the district’s board of directors shall surrender all control to the
 39 appointed administrator and shall thereafter cease to exist.

1 (B) The members of the board of directors of the district shall
2 have no standing to represent the district’s ratepayers, and a
3 member of the board of directors shall have no claim for benefits
4 other than those the member actually received while a member of
5 the board of directors.

6 (C) Any action by the board of directors to divest the district of
7 its assets shall be deemed tampering with a public water system
8 pursuant to Section 116750 and is subject to the criminal penalties
9 provided for in that section.

10 (2) Within 90 days of the appointment of an administrator, the
11 Controller shall perform a desk audit or financial review of the
12 district. The state board shall exercise its legal authority to facilitate
13 the desk audit or financial review, including, but not limited to,
14 its authority to take possession of the district’s financial records.

15 (3) Any decision by the commission about the dissolution or
16 consolidation of the district is not subject to the provisions of
17 ~~Section 57113~~ 57077.6 of the Government Code, nor to any other
18 requirement for a protest proceeding or election. The commission
19 shall not impose any condition on the successor agency that
20 requires a protest proceeding or an election, as described in Part
21 4 (commencing with Section 57000) and Part 5 (commencing with
22 Section 57300) of Division 3 of Title 5 of the Government Code,
23 respectively.

24 (4) If the commission approves a dissolution of the district
25 initiated by the commission, a successor agency designated in the
26 dissolution by the commission, in consultation with the
27 commission, may solicit proposals, evaluate submittals, and select
28 any public water system to be the receiving water system and
29 subsume all assets, liabilities, adjudicated water rights,
30 responsibilities, and service obligations to provide retail water
31 service to existing and future ratepayers within the former territory
32 of the district. The successor agency shall represent the interests
33 of the public and the ratepayers in the former territory of the
34 district.

35 (d) The state board may provide additional funding to the
36 administrator or the Water Replenishment District of Southern
37 California or the successor agency designated by the commission
38 for urgent infrastructure repairs to the public water system of the
39 district without regard to the future ownership of any facilities
40 affected by this funding. For purposes of this section, “urgent

1 infrastructure repairs” are those that are immediately necessary to
2 protect the public health, safety, and welfare of those served by
3 the district.

4 (e) If the district is consolidated with a receiving water system
5 as prescribed in Sections 116682 and 116684, the subsumed
6 territory of the district may include both unincorporated territory
7 of the County of Los Angeles and incorporated territory of the
8 City of Compton.

9 (f) (1) Any administrator appointed pursuant to subdivision
10 (b), any successor agency to the district designated by the
11 commission to take over the district, any receiving operator of a
12 public water system that provides service to the territory of the
13 district, any water corporation that acquires the district, and the
14 commission shall not be held liable for claims by past or existing
15 district ratepayers or those who consumed water provided through
16 the district concerning the operation and supply of water from the
17 district during the interim operation period specified in subdivision
18 (g) for any good faith, reasonable effort using ordinary care to
19 assume possession of the territory of, to operate, or to supply water
20 to the ratepayers within the territory of, the district.

21 (2) Any administrator appointed pursuant to subdivision (b),
22 any successor agency to the district designated by the commission
23 to take over the district, any receiving operator of a public water
24 system that provides service to the territory of the district, any
25 water corporation that acquires the district, and the commission
26 shall not be held liable for claims by past or existing district
27 ratepayers or those who consumed water provided through the
28 district for any injury that occurred prior to the commencement of
29 the interim operation period specified in subdivision (g).

30 (g) (1) Notwithstanding subdivision (d) of Section 116684, for
31 any successor agency to the district designated by the commission
32 to take over the district, any receiving operator of a public water
33 system that provides service to the territory of the district, or any
34 water corporation that acquires the district, the interim operation
35 period shall commence upon the execution of an agreement or
36 designation by the commission to provide water services to the
37 district and shall end one year later. Upon the showing of good
38 cause, the interim operation period shall be extended by the
39 commission for up to three successive one-year periods at the
40 request of an entity described in this paragraph.

1 (2) For the administrator appointed pursuant to subdivision (b),
2 the interim operation period commences upon being appointed by
3 the state board and ends when a successor agency has been
4 designated by the commission to provide water service to
5 ratepayers of the district, when a receiving water agency is
6 consolidated with or extends service to ratepayers of the district,
7 when a water corporation acquires the district with the approval
8 of the Public Utilities Commission, or when the administrator's
9 obligation to provide interim administrative and managerial
10 services has otherwise ended.

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Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

AGENDA REPORT

March 16, 2022

Item No. 4 (Business)

TO: Legislative Committee

FROM: Jeren Seibel, Deputy Executive Officer

SUBJECT: Discussion of AB 2957 (Omnibus Bill)

Background

This annual bill sponsored by CALAFCO includes technical changes to the Cortese-Knox-Hertzberg Act which governs the work of LAFCos. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 2957 makes minor technical corrections to language used in the Act in sections 56102, 56653, 56654, 56658, and adds section 56078.5 to the code. These changes can be seen in the attached documents.

Marin LAFCo Policy section 3.15 gives the Commission the option to take positions and assign priority to any legislation moving through the process in Sacramento. Staff would suggest the “Alignment with CALAFCO” position at the Priority 3 level.

Staff Recommendation for Action

1. **Staff recommendation** – Recommend to the Commission that on AB 2957 we align with CALAFCO at the priority 3 level.
2. Alternative Option - Continue consideration of the item to the next committee meeting and provide direction to staff, as needed.

Attachment:

- 1) AB 2957 Full Text

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ASSEMBLY BILL

No. 2957

Introduced by Committee on Local Government

March 2, 2022

An act to amend Sections 56102, 56653, 56654, and 56658 of, and to add Section 56078.5 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2957, as introduced, Committee on Local Government. Local government: reorganization.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedure for the initiation, conduct, and completion of changes of organization, reorganization, and sphere of influence changes for cities and districts, as specified. Existing law requires that an applicant seeking a change of organization or reorganization to submit a plan for providing services within the affected territory.

Existing law requires a petitioner or legislative body desiring to initiate proceedings to submit an application to the executive officer of the local agency formation commission, and requires the local agency formation commission, with regard to an application that includes an incorporation, to immediately notify all affected local agencies and any applicable state agency, as specified.

This bill would define the term “successor agency,” for these purposes to mean the local agency a commission designates to wind up the affairs of a dissolved district. This bill would also make clarifying changes to the above provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 56078.5 is added to the Government
2 Code, to read:
3 56078.5. “Successor Agency” means the local agency the
4 commission designates to wind up the affairs of a dissolved district.
5 SEC. 2. Section 56102 of the Government Code is amended
6 to read:
7 56102. For the purpose of any action to determine or contest
8 the validity of any change of organization or reorganization, the
9 change of organization or reorganization shall be deemed to be
10 ~~completed and in existence~~ *take effect* upon the date of execution
11 of the certificate of completion.
12 SEC. 3. Section 56653 of the Government Code, as amended
13 by Section 1 of Chapter 43 of the Statutes of 2017, is amended to
14 read:
15 56653. (a) ~~If a proposal~~ *an application* for a change of
16 organization or reorganization is submitted pursuant to this part,
17 the applicant shall submit a plan for providing services within the
18 affected territory.
19 (b) The plan for providing services shall include all of the
20 following information and any additional information required by
21 the commission or the executive officer:
22 (1) An enumeration and description of the services currently
23 provided or to be extended to the affected territory.
24 (2) The level and range of those services.
25 (3) An indication of when those services can feasibly be
26 extended to the affected territory, if new services are proposed.
27 (4) An indication of any improvement or upgrading of structures,
28 roads, sewer or water facilities, or other conditions the local agency
29 would impose or require within the affected territory if the change
30 of organization or reorganization is completed.
31 (5) Information with respect to how those services will be
32 financed.
33 (c) (1) In the case of a change of organization or reorganization
34 initiated by a local agency that includes a disadvantaged,
35 unincorporated community as defined in Section 56033.5, a local

1 agency may include in its resolution of application for change of
2 organization or reorganization an annexation development plan
3 adopted pursuant to Section 99.3 of the Revenue and Taxation
4 Code to improve or upgrade structures, roads, sewer or water
5 facilities, or other infrastructure to serve the disadvantaged,
6 unincorporated community through the formation of a special
7 district or reorganization of one or more existing special districts
8 with the consent of each special district’s governing body.

9 (2) The annexation development plan submitted pursuant to this
10 subdivision shall include information that demonstrates that the
11 formation or reorganization of the special district will provide all
12 of the following:

13 (A) The necessary financial resources to improve or upgrade
14 structures, roads, sewer, or water facilities or other infrastructure.
15 The annexation development plan shall also clarify the local entity
16 that shall be responsible for the delivery and maintenance of the
17 services identified in the application.

18 (B) An estimated timeframe for constructing and delivering the
19 services identified in the application.

20 (C) The governance, oversight, and long-term maintenance of
21 the services identified in the application after the initial costs are
22 recouped and the tax increment financing terminates.

23 (3) If a local agency includes an annexation development plan
24 pursuant to this subdivision, a local agency formation commission
25 may approve the proposal for a change of organization or
26 reorganization to include the formation of a special district or
27 reorganization of a special district with the special district’s
28 consent, including, but not limited to, a community services district,
29 municipal water district, or sanitary district, to provide financing
30 to improve or upgrade structures, roads, sewer or water facilities,
31 or other infrastructure to serve the disadvantaged, unincorporated
32 community, in conformity with the requirements of the principal
33 act of the district proposed to be formed and all required formation
34 proceedings.

35 (4) Pursuant to Section 56881, the commission shall include in
36 its resolution making determinations a description of the annexation
37 development plan, including, but not limited to, an explanation of
38 the proposed financing mechanism adopted pursuant to Section
39 99.3 of the Revenue and Taxation Code, including, but not limited

1 to, any planned debt issuance associated with that annexation
2 development plan.

3 (d) This section shall not preclude a local agency formation
4 commission from considering any other options or exercising its
5 powers under Section 56375.

6 (e) This section shall remain in effect only until January 1, 2025,
7 and as of that date is repealed.

8 SEC. 4. Section 56653 of the Government Code, as amended
9 by Section 2 of Chapter 43 of the Statutes of 2017, is amended to
10 read:

11 56653. (a) If ~~a proposal~~ *an application* for a change of
12 organization or reorganization is submitted pursuant to this part,
13 the applicant shall submit a plan for providing services within the
14 affected territory.

15 (b) The plan for providing services shall include all of the
16 following information and any additional information required by
17 the commission or the executive officer:

18 (1) An enumeration and description of the services currently
19 provided or to be extended to the affected territory.

20 (2) The level and range of those services.

21 (3) An indication of when those services can feasibly be
22 extended to the affected territory, if new services are proposed.

23 (4) An indication of any improvement or upgrading of structures,
24 roads, sewer or water facilities, or other conditions the local agency
25 would impose or require within the affected territory if the change
26 of organization or reorganization is completed.

27 (5) Information with respect to how those services will be
28 financed.

29 (c) This section shall become operative on January 1, 2025.

30 SEC. 5. Section 56654 of the Government Code is amended
31 to read:

32 56654. (a) ~~A proposal~~ *An application* for a change of
33 organization or a reorganization may be made by the adoption of
34 a resolution of application by the legislative body of an affected
35 local agency, except as provided in subdivision (b).

36 (b) Notwithstanding Section 56700, ~~a proposal~~ *an application*
37 for a change of organization that involves the exercise of new or
38 different functions or classes of services, or the divestiture of the
39 power to provide particular functions or classes of services, within
40 all or part of the jurisdictional boundaries of a special district, shall

1 only be initiated by the legislative body of that special district in
2 accordance with Sections 56824.10, 56824.12, and 56824.14.

3 (c) At least 21 days before the adoption of the resolution, the
4 legislative body may give mailed notice of its intention to adopt
5 a resolution of application to the commission and to each interested
6 agency and each subject agency. The notice shall generally describe
7 the ~~proposal~~ *application* and the affected territory.

8 (d) Except for the provisions regarding signers and signatures,
9 a resolution of application shall contain all of the matters specified
10 for a petition in Section 56700 and shall be submitted with a plan
11 for services prepared pursuant to Section 56653.

12 SEC. 6. Section 56658 of the Government Code is amended
13 to read:

14 56658. (a) Any petitioner or legislative body desiring to initiate
15 proceedings shall submit an application to the executive officer of
16 the principal county.

17 (b) (1) Immediately after receiving an application and before
18 issuing a certificate of filing, the executive officer shall give mailed
19 notice that the application has been received to each affected local
20 agency, the county committee on school district organization, and
21 each school superintendent whose school district overlies the
22 affected territory. The notice shall generally describe the ~~proposal~~
23 *application* and the affected territory. The executive officer shall
24 not be required to give notice pursuant to this subdivision if a local
25 agency has already given notice pursuant to subdivision (c) of
26 Section 56654.

27 (2) It is the intent of the Legislature that ~~a proposal~~ *an*
28 *application* for incorporation or disincorporation shall be processed
29 in a timely manner. With regard to an application that includes an
30 incorporation or disincorporation, the executive officer shall
31 immediately notify all affected local agencies and any applicable
32 state agencies by mail and request the affected agencies to submit
33 the required data to the commission within a reasonable timeframe
34 established by the executive officer. Each affected agency shall
35 respond to the executive officer within 15 days acknowledging
36 receipt of the request. Each affected local agency and the officers
37 and departments thereof shall submit the required data to the
38 executive officer within the timelines established by the executive
39 officer. Each affected state agency and the officers and departments
40 thereof shall submit the required data to the executive officer within

1 the timelines agreed upon by the executive officer and the affected
2 state departments.

3 (3) If a special district is, or as a result of a proposal will be,
4 located in more than one county, the executive officer of the
5 principal county shall immediately give the executive officer of
6 each other affected county mailed notice that the application has
7 been received. The notice shall generally describe the proposal
8 and the affected territory.

9 (c) Except when a commission is the lead agency pursuant to
10 Section 21067 of the Public Resources Code, the executive officer
11 shall determine within 30 days of receiving an application whether
12 the application is complete and acceptable for filing or whether
13 the application is incomplete.

14 (d) The executive officer shall not accept an application for
15 filing and issue a certificate of filing for at least 20 days after giving
16 the mailed notice required by subdivision (b). The executive officer
17 shall not be required to comply with this subdivision in the case
18 of an application which meets the requirements of Section 56662
19 or in the case of an application for which a local agency has already
20 given notice pursuant to subdivision (c) of Section 56654.

21 (e) If the appropriate fees have been paid, an application shall
22 be deemed accepted for filing if no determination has been made
23 by the executive officer within the 30-day period. An executive
24 officer shall accept for filing, and file, any application submitted
25 in the form prescribed by the commission and containing all of
26 the information and data required pursuant to Section 56652.

27 (f) When an application is accepted for filing, the executive
28 officer shall immediately issue a certificate of filing to the
29 applicant. A certificate of filing shall be in the form prescribed by
30 the executive officer and shall specify the date upon which the
31 proposal shall be heard by the commission. From the date of
32 issuance of a certificate of filing, or the date upon which an
33 application is deemed to have been accepted, whichever is earlier,
34 an application shall be deemed filed pursuant to this division.

35 (g) If an application is determined not to be complete, the
36 executive officer shall immediately transmit that determination to
37 the applicant specifying those parts of the application which are
38 incomplete and the manner in which they can be made complete.

39 (h) Following the issuance of the certificate of filing, the
40 executive officer shall proceed to set the proposal for hearing and

1 give published notice thereof as provided in this part. The date of
2 the hearing shall be not more than 90 days after issuance of the
3 certificate of filing or after the application is deemed to have been
4 accepted, whichever is earlier. Notwithstanding Section 56106,
5 the date for conducting the hearing, as determined pursuant to this
6 subdivision, is mandatory.

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