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Carolyn Emery

Executive Officer

Scott Smith

General Counsel

January 12, 2022

TO: Local Agency Formation Commission
of Orange County

FROM: Executive Officer
Policy Analyst

SUBJECT: Legislative Quarterly Report (2nd Quarter)

BACKGROUND

The Legislature reconvened from Winter Recess on January 3, 2022, to continue the 2021-2022 legislative session. As proposed legislation makes its way through the chambers, two upcoming deadlines of note include the last day to submit bill requests to the Office of Legislative Council (January 21) and the last day for bills to be introduced to the Legislature (February 18). Additional key deadlines are identified in the Assembly and Senate legislative calendars attached to this report.

OC LAFCO staff, through its participation with the California Association of LAFCOs (CALAFCO) Legislative Committee, identifies proposed legislation of LAFCO interest for Commission discussion. During the Committee's most recent meeting on December 3, CALAFCO staff reported that no proposed bills of LAFCO interest had been identified at this time, and an update on CALAFCO's 2021-2022 legislative priorities was provided. A summary of those priorities, including the sponsorship of the annual Omnibus Bill, is detailed in the following section.

Omnibus Bill (Assembly Committee on Local Government)

The annual Omnibus Bill is the vehicle used by CALAFCO to introduce technical and non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH Act"). In part to this effort, the CALAFCO Legislative Committee, comprised of staff and Commissioners from LAFCOs across the State, jointly review and recommend potential amendments to the CKH Act that assist with clarifying and providing consistency in applying the provisions throughout the State. CALAFCO has submitted proposed amendments to the CKH Act to the Assembly Local Government Committee for consideration. The

amendments are summarized below and are also referenced in redline format in Attachments 2a, 2b and 2c to this report.

- **Successor Agency:** The CKH Act currently references the term “successor agency” in several sections, but “successor agency” is not specifically defined in the Act. The proposed amendment would provide clarity by defining “successor agency” as the local agency the Commission designates to wind up the affairs of another local agency resulting from a change of organization or reorganization.
- **Application and Proposal:** The CKH Act provides respective definitions for “application” and “proposal.” An “application” is the resolution or petition initiating a change of organization or reorganization with supporting documentation as required by the Commission or Executive Officer. Following the submittal of the supporting documents, the Executive Officer executes a certificate of filing, and thereafter, the application is deemed a “proposal” for Commission consideration. The amendment would clarify the distinction between the two terms.
- **Certificate of Completion:** The CKH Act considers a change of organization and reorganization to be complete and in existence following the execution of the certificate of completion. The proposed amendment would clarify the intent of this provision and provide consistency in the procedures involving the recordation of the certificate of completion.

CALAFCO Legislative Priorities

In addition to the co-sponsorship of the Omnibus Bill, the CALAFCO Board approved to participate as a co-sponsor with San Diego LAFCO on the efforts to amend Government Code §56133 and the proceedings involving the protest provisions within the CKH Act. The following summarizes those efforts:

- **New and Extended Service G.C. §56133**

At the January 13, 2021 regular meeting, the Commission received a presentation from San Diego LAFCO staff on their Commission’s effort to seek an amendment to the provision of the CKH Act to clarify LAFCO’s authority to approve or deny the extension of services by an agency outside its jurisdictional boundary or deem the extension of service exempt from the LAFCO process set within this provision. Specifically, the proposed amendment brought forth by San Diego LAFCO would clarify LAFCO’s exclusive authority to determine exception status for out-of-agency arrangements in accordance with the respective provision. The Commission generally indicated support of San Diego LAFCO’s effort.

Since that time, San Diego LAFCO has conducted outreach to each LAFCO, the California Special Districts Association (CSDA), and potential bill authors. Through this outreach, San Diego LAFCO has obtained support from eleven LAFCOs (Alameda, Amador, El

Dorado, Imperial, Los Angeles, Mendocino, Orange, Riverside, San Diego, Santa Clara, San Bernardino) and is participating in ongoing dialogue with CSDA. More recently, the CALAFCO Board of Directors expressed support of San Diego LAFCO's effort and has identified the co-sponsoring of the legislative effort as a priority. In part to this collaboration, San Diego LAFCO and CALAFCO are jointly seeking a bill author. The proposed redlined amendment prepared by San Diego LAFCO and previously presented to the Commission is shown in Attachment 3 for reference.

➤ **Protest Proceedings**

During the 2018-19 legislative session, CALAFCO, in collaboration with CSDA, formed a working group, consisting of CALAFCO, CSDA, League of California Cities, California State Association of Counties (CSAC), and consultants of the Senate Governance and Finance Committee and Assembly Local Government Committee, to discuss several areas of the protest provisions included in the CKH Act. These provisions outline the procedures for registered voters and landowners to submit written protests to a Commission's actions involving changes of organization and reorganization.

During this year-long effort, the working group identified three primary areas of interest: (1) review the protest provisions to remove those that are obsolete, (2) review the protest provisions for potential consolidation and reorganization of the provisions, and (3) review the protest thresholds included within the protest provisions for special district dissolutions initiated by LAFCO. The working group addressed the first area by removing seven protest provisions that were no longer applicable and specific to four LAFCOs (Marin, Los Angeles, Santa Clara, and Santa Cruz). The removal of the provisions was included in the annual Omnibus Bill signed by the Governor on June 28, 2021, and changes take effect January 1, 2022.

For areas (2) and (3), the working group has held numerous meetings to discuss potential amendments to each area of the CKH Act. The group objective was to draft amendments that provide clarity, concise information, and consistency. CALAFCO will be conducting outreach to its membership to inform them of the outcome of this effort, share the proposed amendments developed by the working group, and receive feedback.

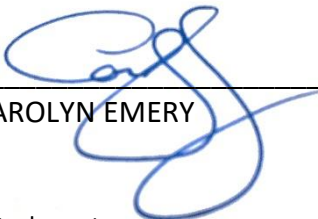
Staff will continue to monitor the activity of CALAFCO's legislative priorities and legislation of LAFCO interest introduced in the coming months. It is expected that activity in the Capitol will increase with the beginning of a new year, and the latest on these respective efforts will be provided in the Commission's next legislative report scheduled for April 13, 2022. Should pressing matters of interest surface, staff will present an interim report to the Commission or coordinate with the Chair on the appropriate action and response.

RECOMMENDED ACTION


Staff recommends that the Commission:

1. Receive and file the Second Quarterly Legislative Report.

Respectfully Submitted,



CAROLYN EMERY



LUIS TAPIA

Attachments:

1. Assembly and Senate 2022 Legislative Calendars
2. Proposed Amendments
 - a. Successor Agency
 - b. Application and Proposal
 - c. Certificate of Completion
3. Proposed Amendment to New and Extended Service (G.C. §56133)

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
Interim Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30	31					

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28					

MARCH							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Wk. 3	13	14	15	16	17	18	19
Wk. 4	20	21	22	23	24	25	26
Wk. 1	27	28	29	30	31		

APRIL							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Spring Recess	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30

MAY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
No Hrgs.	22	23	24	25	26	27	28
Wk. 4	29	30	31				

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 14** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

Feb. 18 Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).

Feb. 21 Presidents' Day.

Apr. 1 Cesar Chavez Day observed.

Apr. 7 **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).

Apr. 18 Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).

Apr. 29 Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

May 6 Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).

May 13 Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).

May 20 Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)).

Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).

May 23 – 27 **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

May 27 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

May 30 Memorial Day.

May 31 Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

JUNE							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Sec. 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Summer Recess	17	18	19	20	21	22	23
Summer Recess	24	25	26	27	28	29	30
Wk. 1	31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
No Hrgs.	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 15 – 31 **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 25 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2023. (Art. IV, Sec. 8(c)).

Nov. 8 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 5 2023-24 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3 Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14 Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17 Martin Luther King, Jr. Day.
- Jan. 21 Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21 Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31 Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(e)), (J.R. 61(b)(3)).

FEBRUARY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

- Feb. 18 Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21 Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Apr. 1 Cesar Chavez Day observed
- Apr. 7 **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29 Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6 Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).

MAY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- May 13 Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27 **Floor Session only**. No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27 Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30 Memorial Day.
- May 31 Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE SECRETARY OF THE SENATE & THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 10-21-2021

JUNE						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	<u>15</u>	16	17	18
19	20	21	22	23	24	25
26	27	28	29	<u>30</u>		

June 15 Budget Bill must be passed by **midnight** (Art. IV, Sec. 12 (c)).

June 30 Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
					<u>1</u>	2
3	<u>4</u>	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST						
S	M	T	W	TH	F	S
	<u>1</u>	2	3	4	5	6
7	8	9	10	11	<u>12</u>	13
14	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	<u>29</u>	<u>30</u>	<u>31</u>			

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

Aug. 15 - 31 Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

Final Recess begins at end of this day's session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 8 General Election.

Nov. 30 Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 5 12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

2023

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

56078. “Subsidiary district” means a district in which a city council is designated as, and empowered to act as, the ex officio board of directors of the district.

56078.5. “Successor agency” means the local agency the Commission designates to wind up the affairs of a dissolved district.

56079. [Repealed by Stats. 2011, Ch. 200]

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

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

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

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

(2) The level and range of those services.

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

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

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

(c) (1) In the case of a change of organization or reorganization initiated by a local agency that includes a disadvantaged, unincorporated community as defined in Section 56033.5, a local agency may include in its resolution of application for change of organization or reorganization an annexation development plan adopted pursuant to Section 99.3 of the Revenue and Taxation Code to improve or upgrade structures, roads, sewer or water facilities, or other infrastructure to serve the disadvantaged, unincorporated community through the formation of a special district or reorganization of one or more existing special districts with the consent of each special district's governing body.

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

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

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

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

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

56102. For the purpose of any action to determine or contest the validity of any change or organization or reorganization, the change of organization or reorganization shall be deemed to ~~be completed and in existence~~ take effect upon the date of execution of the certificate of completion.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

(4) Pursuant to Section 56881, the commission shall include in its resolution making determinations a description of the annexation development plan, including, but not limited to, an explanation of the proposed financing mechanism adopted pursuant to Section 99.3 of the Revenue and Taxation Code, including, but not limited to, any planned debt issuance associated with that annexation development plan.

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

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

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

(b) Notwithstanding Section 56700, ~~a proposal~~ **an application** for a change of organization that involves the exercise of new or different functions or classes of services, or the divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district, shall only be initiated by the legislative body of that special district in accordance with Sections 56824.10, 56824.12, and 56824.14.

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

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

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

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

(2) It is the intent of the Legislature that a proposal for incorporation or disincorporation shall be processed in a timely manner. With regard to an application that includes an incorporation or disincorporation, the executive officer shall immediately notify all affected local agencies and any applicable state agencies by mail and request the affected agencies to submit the required data to the commission within a reasonable timeframe established by the executive officer.

C A L A F C O
LEGISLATIVE PROPOSAL REQUEST
2022 Legislative Year

Each affected agency shall respond to the executive officer within 15 days acknowledging receipt of the request. Each affected local agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines established by the executive officer. Each affected state agency and the officers and departments thereof shall submit the required data to the executive officer within the timelines agreed upon by the executive officer - 74 - and the affected state departments.

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

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

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

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

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

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

(h) Following the issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give published notice thereof as provided in this part. The date of the hearing shall be not more than 90 days after issuance of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier. Notwithstanding Section 56106, the date for conducting the hearing, as determined pursuant to this subdivision, is mandatory.

Prepared by San Diego LAFCO
Government Code Section 56133
Proposed Amendment Regarding Exception Determination

56133.

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following **as determined by the commission or the executive officer:**

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus

water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(f) This section applies only to the commission of the county in which the extension of service is proposed.