

**Colusa Local Agency Formation Commission**

**Regular Meeting Agenda**

**Thursday – September 6, 2018**

**3:00 PM**

**Board of Supervisors Chambers  
546 Jay Street  
Colusa, CA.**

**1. Call to Order/Roll Call**

**Commissioners**

Denise Carter (Chair County)  
John Loudon (Vice-Chair County)  
Brandon Ash (Public)  
Tom Reische (Colusa, City)  
Alfred Sellers, (Williams, City)

**Alternates**

Kent Boes (County Alternate)  
Roberto Mendoza (City Alternate)  
Mary Winters, (Public Member Alternate)

**Staff**

John Benoit, Executive Officer  
P. Scott Browne, Legal Counsel  
Lora Ceccon, Clerk to the Commission

**2. Consider Minutes from August 9, 2018**

*a. Consider approval of the August 9, 2018 LAFCo minutes*

**3. Public Comment**

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered

**4. Consent Agenda**

*a. Payment of claims for the month of August 2018*

**5. Correspondence:**

**Public Hearing**

**6. Public Hearing regarding Reclamation, Levee and Flood Control Districts MSR and SOI (hard copies handed out at the June 7, 2018 LAFCo meeting)**

- a. Receive MSR – SOI report memo noting changes brought up at the August 9<sup>th</sup> meeting.*
- b. Consider Resolution 2018-0007 adopting the Municipal Service Review for Reclamation, Levee and Flood Control Districts in Colusa County, and*

- c. Consider Resolution 2018-0008 adopting the Sphere of Influence Update for Reclamation, Levee and Flood Control Districts in Colusa County.

**7. Hold General Discussion regarding the Legislative Intent of LAFCo's and LAFCo's authority.**

**Executive Officer's Report:**

- a) Fire and EMS MSR and SOI
- b) Policies Update
- c) Finance Policy Update

**8. Commissioner Reports - Discussion**

*This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters*

**9. Consider having the next Colusa LAFCo meeting on November 1<sup>st</sup> instead of October 4<sup>th</sup>, 2018 due to the CALAFCO Conference.**

**Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1**

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

*Public Comment*

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

*Public Hearings*

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

*Agenda Materials*

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Colusa County Clerk's office located at the Colusa County Courthouse 546 Jay Street, Colusa CA. [such documents are also available on the Colusa LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

*Accessibility*

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

*Disclosure & Disqualification Requirements*

Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, and 81000 et seq., and Colusa LAFCO's Policies and Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to Colusa LAFCO must comply with the disclosure requirements approved by Colusa LAFCO. These requirements contain provisions for

making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Colusa County Elections Department 546 Jay Street, Colusa, CA 95932. (530) 458-0500

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (530) 458-0593 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at [lafco@countyofcolusa.org](mailto:lafco@countyofcolusa.org) or [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net) or by Fax (916) 797-7631

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at [www.colusacountylafco.org](http://www.colusacountylafco.org)

LOCAL AGENCY FORMATION COMMISSION  
COLUSA COUNTY  
MINUTES OF MEETING  
August 9, 2018

PRESENT:

JOHN LOUDON, County Member  
ALFRED SELLERS, JR., City Member  
TOM REISCHE, City Member  
BRANDON ASH, Chair, Public  
DENISE CARTER, County Member

ALSO PRESENT:

LORA CECCON, Clerk  
JOHN BENOIT, Ex. Officer  
P. SCOTT BROWNE, Legal  
M. WINTERS, Public Alternate

**1. Call to Order/Roll Call**

The meeting was called to order at 3:03 p.m. There was a quorum present.

**2. Election of Chair and Vice-Chair for fiscal year 2018-2019**

**T. Reische nominated Denise Carter to serve as Chair for FY 2018-2019; second by J. Loudon. D. Carter nominated John Loudon to serve as Vice-Chair for FY 2018-2019; second by T. Reische, motions carried.**

**3. Consider Minutes for June 7, 2018**

**On motion of T. Reische, second by D. Carter, the commission approved the minutes for June 7, 2018, motion carried by roll call vote.**

**4. Public Comment – None**

**5. Consent Agenda**

**On motion of D. Carter, second by J. Loudon, the commission approved claims for the months of June and July 2018, motion carried by roll call vote.**

**6. Correspondence:** John advised the commission that CALAFCo is having problems funding themselves. Colusa LAFCo has been selected as a sample LAFCo from a rural area for Calafco to examine. Calafco has formed an Ad Hoc Finance Committee to look into the issue. Stay tuned.

**7. Workshop regarding Reclamation, Levee and Flood Control Districts MSR and SOI (hard copies handed out at the June 7, 2018 Lafco meeting)**

John stated that a draft copy was sent to the districts, no comments were received. D. Carter stated that RD 108 does not show water volumes; need water volumes for RD108. Also the Sphere might include the area the RD 1004 might want to annex in the near term. Need some consistency from district to district on content.

It was suggested that the addresses and phone numbers be removed from the Board of Directors' list (page 37).

Discussion was held regarding the Colusa County Flood Control and Water Conservation District. Discussion was also held regarding levee maintenance and fees charged.

A public hearing will be scheduled after the 21-day notice.

**8. 2018 Biennial Notice and review of LAFCo's Conflict of Interest Code**

John stated that the Conflict of Interest Code must be reviewed every two years; it has not been changed since adoption. A copy is in today's agenda packet. No changes or updates are needed.

The Commission directed the Executive Office to sign and submit the 2018 Local Agency Biennial Notice.

**9. Presentation Workshop regarding CEQA Exemptions – Scott Browne**

S. Browne provided a presentation for the commission on CEQA Exemptions.

**10. Appoint Voting Member to represent Colusa LAFCo at the Annual Calafco Conference in October**

The commission appointed John Loudon as the voting member at the annual Calafco Conference in October.

**11. Executive Officer's Report**

John provided information on two inquiries he received from completing the Reclamation Districts MSR/SOI. Mr. Minasian, Colusa County Water District, contacted John to advise him that the district will be coming in for a change on the resolutions.

**12. Commissioner Reports – Discussion**

D. Carter provided an update on the Colusa Groundwater Authority.

**13. Adjourn to the next regular meeting 3:00 p.m. on September 6, 2018**

**The meeting was adjourned at 4:10 p.m.**

# Colusa Local Agency Formation Commission

## CLAIMS

For August 2018

Authorize payment of the following claims:

**FY 2018-2019 EXPENSES:**

Sept 1, 2018	Staff Svcs and Expenses – Aug 2018	\$ 5,391.87
Aug 2, 2018	Frontier Phone Aug 7, 2018	\$ 40.38
7.16.18- 8.15.2018	Legal Services P. Scott Browne	\$ 2,000.00
Aug 13, 2018	Pioneer Review Rec, Levee Flood Dists MSR-SOI	\$ 55.00
<b>TOTAL:</b>		<b>\$ 7,487.25</b>

**DATED:** Sept 6, 2018

**APPROVED:** Sept 6, 2018

\_\_\_\_\_  
**Denise Carter, Chair or John Loudon, Vice-Chair**  
**Colusa Local Agency Formation Commission**

Attest:

\_\_\_\_\_  
**John Benoit**  
**Executive Officer**

Shadow Accounting  
2017-2018

EXPENSE	Executive Off. Cont 53180	Clerical Support 53180	Workers Comp 51035	Atty Contract 53180	Insurance 53100	Office Supplies 53170	Postage 53171	Copies 53170	Membership 53150
CALAFCO Dues 18-19	48000.00	3657.00	50.00	24000.00	1818.00	375.00	500.00	1500.00	926.00
SDRMA Insurance 18-19					-1698.00				-925.00
Staff Servics June 2018	-4000.00	-175.00					-12.64	-101.60	
Frontier Phone June 7, 2018									
Browne Legal Svcs 5.16.2018-6.15.2018				-2000.00					
Conf. Registration Reische & Loudon									
Staff Svcs July 2018	-4000.00						-3.09	-10.00	
Front ph July 7, 2018									
Browne Legal Svcs 6.15 -7.16, 2018				-2000.00					
Staff Svcs August 2018	-4000.00	-200.00					-2.60	-13.80	
Browne legal 7.16.18 to 8.15.18				-2000.00					
Pioneer Rev. notice MSR-Soi Levee, Rec									
Front ph Aug 7, 2018									

Total Expended in FY 17-18	-12000.00	-375.00	0.00	-6000.00	-1698.00	0.00	-18.33	-125.40	-925.00
Total Remaining in FY 17-18	36000.00	3282.00	50.00	18000.00	120.00	375.00	481.67	1374.60	1.00





#6

# Colusa Local Agency Formation Commission

MEMORANDUM  
September 6, 2018

TO: LAFCo Commissioners  
FROM: John Benoit, Executive Officer  
RE: MSR and SOI for Reclamation, Flood Control and Levee Districts

The MSR and SOI was distributed at the June 2018 LAFCo meeting and reviewed at the July 2018. Several Comments were brought up.

1. Lewis Bair of RD 108 was contacted regarding RD 108's water rights. An additional paragraph needs to be added to Section 2.1.1 on page 11 as follows.

"When Shasta Dam was built in the late 1940s, the newly constructed Central Valley Project created uncertainty for the historic water users on the Sacramento River. The issue was that the stored water from the reservoir was co-mingled with the rivers natural flows. The stored water was considered to be property of the Bureau of Reclamation (USBR) and the natural flows included the water rights of historic water users. In 1964 USBR entered into a water right Settlement Contract with Sacramento River Water Users that preserved their prior and historic water rights and provided for some supplemental water during the summer months from the Central Valley Project. RD 108 has a 232,000 acre-foot under this USBR contract with that covers April 1 through October 31. The District also has a winter water right and other senior water rights and riparian water rights that cover the winter months for decomposed rice straw and winter floodplain habitat".

2. Terry Bressler at RD 1004 was contacted and he indicated the RD 1004 Board of Directors does not desire to annex other territory into its district at this time. Therefore, the RD 1004 Sphere of Influence Map is to remain as proposed.
3. Addresses and phone numbers for members of the District Board of Directors shall be removed throughout the document (p37).

**Recommendation:**

- a. Consider Resolution 2018-0007 adopting the Municipal Service Review for Reclamation, Flood Control, and Levee Districts in Colusa County.
- b. Consider Resolution 2018-0008 adopting the Sphere of Influence Update for Reclamation, Flood Control, and Levee Districts in Colusa County.

**Resolution 2018-0007 of the**  
**Colusa Local Agency Formation Commission**  
**in**  
**Colusa County, California**

*Approving a Municipal Service Review of Levee, Reclamation, Drainage and Flood Control Services provided by Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District in Colusa County and Adopting Written Determinations Thereon*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission (“LAFCO”) adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that a LAFCO conduct a review of the municipal services provided by and within an agency prior to updating and adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, on June 3<sup>rd</sup>, 2004, the Commission adopted its Work Plan and included a schedule for initiation of Municipal Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted Resolution 2009-0009 on May 7<sup>th</sup>, 2009 containing policies and standards related to the preparation of MSRs, which applies to this MSR for services provided by the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for services provided in Colusa County by the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the hearing draft of the Municipal Service Review for services provided by and within the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District and written determinations contained therein will provide information for updating the Sphere of Influence of the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District, and is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, in making this determination, the Commission has considered the documentation on file in this matter; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Colusa Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review of services provided in the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District, attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) LAFCO staff is further ordered to proceed as appropriate with update to the Sphere of Influence Plan of the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District.

The foregoing resolution was duly passed by the Colusa Local Agency Formation Commission at a regular meeting held on September 6, 2018, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this sixth day of September, 2018.

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Denise Carter, Chair  
Colusa LAFCO

Attest:

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John Benoit, Executive Officer  
COLUSA LOCAL AGENCY FORMATION COMMISSION

Resolution 2018-0007  
Municipal Service Review  
Levee, Reclamation, Drainage and Flood Control  
September 6, 2018

# COLUSA LOCAL AGENCY FORMATION COMMISSION

## Resolution No. 2018-0008

*A Resolution Making Determinations and Approving A Sphere of Influence Update for the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District*

**WHEREAS**, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

**WHEREAS**, the Local Agency Formation Commission of Colusa County, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District; and

**WHEREAS**, the Commission has set the hearing date of September 6, 2018, for the update of the sphere of influence for the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

**WHEREAS**, the Commission has heard and previously adopted a Municipal Services Review of services provided by the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District in accordance with Gov. Code section 56430; and

**WHEREAS**, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Map which are

attached hereto and incorporated herein; and

**WHEREAS**, Colusa LAFCO prepared a Notice of Exemption for such action since there is no change in the proposed boundaries except a reduction in size; and

**WHEREAS**, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

**NOW, THEREFORE, BE IT RESOLVED** that the Local Agency Formation Commission of Colusa County does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District complies with the provisions of Government Code Section 56000, et seq.
2. That no significant protests have been received regarding the establishment of this Sphere of Influence update.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.
4. The Colusa Local Agency Formation Commission hereby finds this Sphere update exempt from the provisions of the California Environmental Quality Act.
5. Pursuant to Government Code Section 56425 (i) the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District is authorized to provide domestic water services within its territory. Other services provided by this District shall be considered latent powers.
6. That the Sphere of Influence Update Report including Sphere of Influence Maps and the Executive Officer's Report, for the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County

Flood Control and Water Conservation District updated Sphere of Influence is hereby adopted and approved as set forth in Attachment "A".

**PASSED AND ADOPTED** at a regular meeting of the Colusa Local Agency Formation Commission, State of California, on the September 6, 2018, by the following vote:

**AYES:**

**NOES: -**

**ABSENT: -**

**ABSTAIN: -**

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Denise Carter, Chair  
Colusa Local Agency Formation  
Commission

Attest:

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John Benoit, Executive Officer

## NOTICE OF EXEMPTION

**TO:** County Clerk  
County of Colusa  
Colusa, CA

**FROM:** Colusa LAFCO  
P.O. Box 2694  
Granite Bay, CA 95746

**PROJECT TITLE:** Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District Spheres of Influence

**PROJECT LOCATION:** Colusa and Yolo Counties

### **DESCRIPTION OF PROJECT:**

The proposed project involves adopting a coterminous Sphere of Influence for the Reclamation District 108, Reclamation District 479, Reclamation District 1004, Reclamation District 2047, Sacramento River Westside Levee District, Cortina Creek Flood Control and Floodwater Conservation District, Knights Landing Ridge Drainage District, Colusa County Flood Control and Water Conservation District

**NAME OF PUBLIC AGENCY APPROVING PROJECT:**  
Colusa Local Agency Formation Commission

**NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:**  
Colusa Local Agency Formation Commission

### **EXEMPT STATUS:**

Class 19 Categorical Exemption, The proposal would not result in the development or use of structures or land that and would be considered exempt (CEQA Guidelines Section 15319) and this proposal is also covered by the General Rule Exemption (15061 b (3)). Based on the record, there are no unusual circumstances or controversy regarding this Sphere of Influence update.

### **REASONS WHY PROJECT IS EXEMPT:**

The proposal would not result in any change in services or service area since irrigation water, levee, reclamation and floodwater services will not induce growth in agricultural areas and whereby this activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

**CONTACT PERSON:**  
John Benoit  
LAFCO Executive Officer

**TELEPHONE NUMBER:**  
(530) 458-0593

By: \_\_\_\_\_

Date: September 6, 2018

PART 1. GENERALCHAPTER 1. LEGISLATIVE FINDINGS AND  
DECLARATIONS

Title 56000. This division shall be known and may be cited as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**LEGISLATIVE FINDINGS AND DECLARATIONS; STATE INTERESTS:**

56001. The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. The Legislature also recognizes that providing housing for persons and families of all incomes is an important factor in promoting orderly development. Therefore, the Legislature further finds and declares that this policy should be effected by the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and, therefore, may be the best mechanism for establishing community service



priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single-purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services.

**DEFINITION OF A DISTRICT:**

"District" or "special district"

56036. (a) "District" or "special district" are synonymous and mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and in areas outside district boundaries when authorized by the commission pursuant to Section 56133.

(b) "District" or "special district" includes a county service area, but excludes all of the following:

- (1) The state.
- (2) A county.
- (3) A city.
- (4) A school district or a community college district.
- (5) An assessment district or special assessment district.
- (6) An improvement district.
- (7) A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982, (Chapter 2.5 commencing with Section 53311) of Part 1 of Division 2 of Title 5).
- (8) A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code.
- (9) An air pollution control district or an air quality maintenance district.
- (10) A zone of any special district.

Change of organization;  
principal act

56036.5. (a) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4 or Part 5 (commencing with Section 57300), for each of the following entities proceedings for a change of organization shall be conducted pursuant to the principal act authorizing the establishment of that district:

- (1) A unified or union high school library district.
- (2) A bridge and highway district.
- (3) A joint highway district.
- (4) A transit or rapid transit district.

(5) A metropolitan water district.

(6) A separation of grade district.

(7) For other districts, where the principal act provides, the procedures in the principal act shall supersede the procedures set forth in this division.

#### Non-districts

56036.6. (a) For the purposes of Chapter 1 (commencing with Section 57000) to Chapter 7 (commencing with Section 57176), inclusive, of Part 4 or Part 5 (commencing with Section 57300), none of the following entities is a "district" or "special district" if the commission of the principal county determines, in accordance with Section 56127 and 56128, that the entity is not a "district" or "special district":

(1) A flood control district.

(2) A flood control and floodwater conservation district.

(3) A flood control and water conservation district.

(4) A conservation district.

(5) A water conservation district.

(6) A water replenishment district.

(7) The Orange County Water District.

(8) A California water storage district.

(9) A water agency.

(10) A county water authority or a water authority.

(b) If the commission determines that an entity described in this section is not a "district" or "special district," any proceedings pursuant to Part 4 (commencing with Section 57000) for a change of organization involving the entity shall be conducted pursuant to the principal act authorizing the establishment of that entity.