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November 17, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

ORANGE /LOS ANGELES COUNTY PROPOSED BOUNDARY CHANGE – STATUS REPORT

In response to a motion made by Supervisor Don Knabe, on August 19, 2008, your Board directed the Chief Executive Office to:

- Review the Orange/Los Angeles County Boundary Report prepared by the Orange County Local Agency Formation Commission identifying several potential boundary changes between Los Angeles and Orange Counties;
- Prepare a report describing the process for a County boundary change; and,
- Work with the Orange County Chief Executive Officer's office to develop a work plan and timeline to conduct a feasibility study of the potential County boundary change areas identified in the Report identifying the service and financial impacts of each potential boundary change on the County and its cities; and providing an outreach program to solicit participation and input from affected cities, unincorporated communities, and other stakeholders.

The following is a status report on staff's efforts in response to the Board's direction. After reviewing the Boundary Report, it was determined that the 21 study areas required additional maps to facilitate further research for each individual boundary area in question. The Department of Regional Planning (DRP) agreed to compile maps

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of the boundary study areas. On October 22, 2008, the Chief Executive Office signed an agreement, prepared by Orange County, Department of Public Works, allowing DRP access to Orange County parcel level data including legal city boundaries, street centerlines, aerial photos, and Supervisorial District boundaries.

The Department of Regional Planning has completed compiling the study areas onto 21 site-specific maps. We will meet with Supervisor Knabe's Office to review the potential County boundary change areas and report back to your Board on a process and timeline for consulting with impacted Los Angeles County cities, unincorporated communities, and other stakeholders to determine the feasibility of proceeding with the proposed boundary changes based on the analysis of service and fiscal impacts.

An outline of the County boundary change process is attached for your reference. This process does not account for the considerable research, fiscal and service level analysis, and outreach that must be conducted for each of the proposed boundary change areas. The next status report will be provided by January 31, 2009.

If you have any questions regarding this matter, please contact me or your staff may contact Tina Herzog at (213) 974-1740, or via e-mail at therzog@ceo.lacounty.gov.

WTF:LS
DSP:TH:os

Attachment

c: Executive Officer, Board of Supervisors
County Counsel
Director of Regional Planning
Executive Officer, Los Angeles County Local Agency Formation Commission
County Executive Officer, Orange County
Executive Officer, Orange County Local Agency Formation Commission

ORANGE COUNTY/LOS ANGELES COUNTY BOUNDARY CHANGE PROCEDURES

The following is a summary of the necessary steps for a minor boundary change between two counties. These steps serve as a guide only and are not intended to replace the Government Code sections 23200 through 23220 that govern a minor boundary change (attached).

I. STATUTORY REQUIREMENTS FOR A COUNTY BOUNDARY CHANGE

A. Applicable Statute

There are two statutory procedures for county boundary change:

1. A simplified procedure that involves relatively small areas. Specifically, to use the simplified procedure the following criteria must be met:
 - Only ***unincorporated territory*** can be involved.
 - A county boundary line cannot be moved more than ***5 miles***.
 - The affected territory cannot represent more than ***5 percent of the area*** of the detaching county.
 - The affected area cannot contain more than ***5 percent of the population*** of the detaching county.
2. A more detailed procedure for areas that do not meet the above unincorporated status, distance, area and population criteria.

The boundary changes being considered by Orange County meet the criteria of a simplified procedure and it is that procedure that is summarized below.

B. Summary of Simplified Statutory Procedures for a County Boundary Change

(NOTE: THIS SUMMARY IS PROVIDED FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE RELIED ON FOR ACTUAL LEGAL REQUIREMENTS. ONLY THE SPECIFIC STATUTES, GOVERNMENT CODE SECTION 23200 ET. SEQ. ARE RELIABLE FOR ACTUAL LEGAL REQUIREMENTS. THE GOVERNMENT CODE SECTIONS ARE INCLUDED IN THEIR ENTIRETY IN THE ATTACHED.)

1. Initiation

- a. By resolution of the board of supervisors of either county.

The board of supervisors of either the detaching or annexing county may initiate county boundary change proceedings by adoption of a resolution. The resolution must state that the affected territory meets the criteria for the simplified procedure and state the reasons for the boundary change. It must also declare whether the affected territory is inhabited (contains 12 or more registered voters) and the conditions of the boundary change.

- b. By petition

The registered voters or property owners of the affected territory may initiate proceedings by petition signed by 25 percent of the registered voters or 25 percent of the property owners who also own 25 percent of the assessed value of land and improvements within the affected territory.

The petition shall contain declarations about all of the criteria required for use of the simplified procedure. The signatures on the petition cannot be more than 90 days old at the time of submission. The petition can be filed with either the detaching or annexing county board of supervisors.

2. Conducting Authority

The board of supervisors adopting a resolution of initiation or receiving a petition of initiation is the conducting authority for the county boundary change proceedings. (Orange County has indicated that they will initiate the proposed boundary change).

3. Notice

- a. Resolution setting hearing date, time, and place.

The conducting authority shall adopt a resolution setting a date, time, and place of hearing on the proposed boundary change. The resolution shall be adopted within 30 days of receipt of a complete petition or a board of supervisors' resolution initiating proceedings.

The hearing shall be set for a date not less than 30 days or more than 60 days from the date of the adoption of the resolution setting the hearing.

b. Published and mailed notice.

Published notice of the hearing shall be in a newspaper of general circulation within the affected territory. Publication of the notice shall be for one day and commence at least 15 days prior to the date of the hearing.

Mailed notice of the hearing shall be given to the other board of supervisors, to each special district, and school district that includes all or a part of the affected territory and the LAFCo of each affected county.

4. Hearing

- a. Held by the conducting authority on the date and at the time and place specified in the notice.
- b. May be a joint hearing of both boards of supervisors.
- c. At the hearing, hear testimony and receive oral and written protests.
- d. The hearing may be continued from time to time not to exceed 45 days from the date specified in the notice of hearing.

5. Abandonment of Proceedings

At the conclusion of the hearing, the conducting authority shall adopt a resolution abandoning proceedings if:

- a. The territory is inhabited (12 or more registered voters reside within the territory) and protests have been filed and not withdrawn by 50 percent or more of the registered voters of the affected territory.
- b. The territory is uninhabited and protests have been filed and not withdrawn by 50 percent or more of the landowners who own 50 percent or more of the assessed value of the affected territory.
- c. A written protest is filed and not withdrawn by the board of supervisors of either affected county.

6. Election - Inhabited Territory

If the affected territory is inhabited and protests have been filed and not withdrawn by more than 25 percent, but less than 50 percent of the registered voters, an election shall be held on the question of the county boundary change. The election shall be called and held by the conducting authority. The election shall be conducted only within the affected territory. Proceedings shall not be concluded until after the election and proceedings shall be terminated if a majority of voters voting on the issue vote against the boundary change. Proceedings shall be affirmatively concluded if a majority of voters vote for the boundary change.

7. Conclusion of Proceedings

If proceedings have not been abandoned and there is no need for an election, or if there has been an election and a majority of those voting favor the boundary change, then the boundary change proceedings shall be affirmatively concluded as follows:

- a. Within 30 days after the conclusion of proceedings if no abandonment or election, and within 30 days to the election if required, both affected county boards of supervisors shall adopt, by majority vote, similar ordinances approving the boundary change.
- b. The ordinances shall specify:
 - Any terms and conditions of the boundary change as agreed to by the county board of supervisors of each affected county.
 - The effective date of the boundary change.
 - That the boundary change meets the area, distance, population, and unincorporated requirements of the expedited boundary change statutory provisions.

8. Implementing the Boundary Change

- a. Filings with State Board of Equalization and County Assessors.

Each affected county board of supervisors shall file notice, legal descriptions, and maps of the boundary change with the State Board of Equalization and each county assessor prior to December 1 following the ordinance adoption. The boundary change will not be effective for property tax purposes unless these filings are made prior to December 1 of the current year to receive taxes and assessments for the following fiscal year, beginning July 1.

b. Exchange of information between counties.

Each affected county shall provide the other affected county copies of assessments as well as information about collection of state and local taxes from the affected territory.

c. School districts.

The County Superintendents of Schools for each affected county shall also exchange information on a student census and funding as appropriate.

d. Courts.

Any cases pending before a State appellate court, a superior, or municipal court shall be retained by that court.

e. Road funds.

The Auditor of the affected county from which territory is detached shall transfer to the Auditor of the other affected county road funds properly credited to the affected territory.

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23200. The Legislature finds and declares that the existing boundaries of some counties no longer meet the needs of their residents and landowners. The Legislature further finds and declares that the statutory procedures for altering county boundaries which existed before the enactment of this article were cumbersome and discouraged county boards of supervisors from adjusting their mutual boundaries. In enacting this article, it is the intent of the Legislature to permit county boards of supervisors to approve changes to the boundaries of their counties. This article shall be deemed a uniform procedure for county boundary change as required by Section 1 of Article XI of the California Constitution.

23201. As used in this article:

(a) "Affected county" means any county which contains or would contain territory which is the subject of a boundary change.

(b) "Affected territory" means any unincorporated area which is proposed to be transferred from one county to another.

(c) "Conducting county" means any county whose board of supervisors adopts a resolution pursuant to Section 23206.

(d) "Inhabited territory" means territory within which there reside 12 or more registered voters at the time a resolution is adopted pursuant to Section 23203 or a petition is filed pursuant to Section 23205.

(e) "Initiating county" means any county whose board of supervisors adopts a resolution pursuant to Section 23203.

23202. A boundary line between counties shall not be changed, pursuant to this article, if the change would result in any of the following:

(a) The line to be moved a distance of more than 5 miles from its original location.

(b) A reduction by more than 5 percent in the area of any affected county.

(c) A reduction by more than 5 percent of the population of any affected county, as determined by the State Department of Finance's most recent estimate of population.

23203. The board of supervisors of any affected county may propose to change the boundary line between that county and another county by adopting a resolution which shall:

(a) State that the proposal is made pursuant to this article and request that proceedings be taken.

(b) State the reasons for the proposal.

(c) Set forth a description of the proposed new boundary line.

(d) State whether or not the proposed new boundary line will be more than 5 miles from its original location.

(e) State whether or not the proposed new boundary line will reduce the area of any affected county by more than 5 percent.

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(f) State whether or not the proposed new boundary line will reduce the population of any affected county by more than 5 percent.

(g) State whether or not the proposal affects inhabited territory.

(h) Set forth any proposed terms and conditions to which the proposed boundary change shall be subject, including, but not limited to, the division of any county indebtedness or property.

23204. The board of supervisors of the initiating county shall file its resolution with the board of supervisors of the other affected county.

23205. (a) A proposal to change the boundary line of two counties may be initiated by petition which shall contain all the matters required to be contained in a resolution adopted pursuant to Section 23203. The petition shall also designate a chief petitioner.

(b) A petition shall be signed by not less than 25 percent of the resident-voters within the affected territory or by not less than 25 percent of the property owners within the affected territory who also own not less than 25 percent of the assessed value of land and improvements within the affected territory.

(c) A petition may consist of a single instrument or separate counterparts. Each signer of a petition shall add the date of signing to his or her signature. A signature by a resident-voter shall be accompanied by the address of the voter. A signature by a property owner shall be accompanied by a description sufficient to identify the property owned.

(d) A petition shall be filed with the board of supervisors of any affected county. No petition shall be accepted for filing unless the signatures have been secured within 90 days of the date on which the first signature was affixed.

(e) Within 30 days of the receipt of a petition, the clerk of the board of supervisors shall determine whether the petition is signed by the required number of signatures. If the petition does not contain the required number of signatures, the clerk of the board of supervisors shall return the petition to the chief petitioner. If the petition contains the required number of signatures, the board of supervisors shall conduct proceedings pursuant to this article.

23206. Within 30 days of receiving a resolution adopted pursuant to Section 23203 or of determining that a petition filed pursuant to Section 23205 has been signed by the required number of signatures, the board of supervisors shall adopt a resolution which shall:

(a) Set a time, date, and place of hearing on the proposal which shall be not less than 30 days nor more than 60 days from the date of adoption of the resolution setting the hearing.

(b) State that any person may appear and be heard at the hearing. Any person desiring to protest against the proposal may file a written protest with the board of supervisors. Any written protest by a resident-voter shall contain the address of the

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voter. Any written protest by a property owner shall contain a description sufficient to identify the property owned.

23207. The board of supervisors of the conducting county shall give notice of the hearing by each of the following:

(a) Notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the affected territory and within each affected county. Publication shall commence at least 15 days before the date set for the hearing.

(b) Notice shall be mailed to the board of supervisors of the other affected county, to each special district and school district which includes the affected territory within its boundaries, to the local agency formation commission of each affected county, and to each person who has filed a written request for special notice.

23208. The hearing on the proposed boundary change shall be held by the board of supervisors of the conducting county on the date and at the time specified in the resolution adopted pursuant to Section 23206. The board of supervisors of the conducting county may hold the hearing jointly with the board of supervisors of the other affected county. At the hearing, the board of supervisors shall hear testimony from interested persons and receive any oral or written protests. Any person who filed a written protest may withdraw it at any time before the conclusion of the hearing. The hearing may be continued from time to time, not to exceed 45 days from the date specified in the resolution.

23209. At the conclusion of the hearing, the board of supervisors of the conducting county shall adopt a resolution abandoning the proposed boundary change if:

(a) In the case of inhabited territory, more than 50 percent of the resident-voters in the affected territory have filed and not withdrawn written protests before the conclusion of the hearing.

(b) In the case of uninhabited territory, more than 50 percent of the property owners who own more than 50 percent of the value of the land and improvements in the affected territory have filed and not withdrawn written protests before the conclusion of the hearing.

(c) In the case of either inhabited or uninhabited territory, the board of supervisors of either affected county has filed and not withdrawn a written protest before the conclusion of the hearing.

23210. (a) Not later than 30 days after the conclusion of the hearing, if a proposed boundary change has not been abandoned pursuant to Section 23209, the board of supervisors of each affected county shall adopt substantially similar ordinances approving the proposed boundary change.

(b) The ordinances shall declare that the proposal meets each of the conditions of Section 23202. The ordinances shall specify any terms and conditions to which the boundary change is subject, including, but not limited to, a division of any county debt or property. In addition, the ordinances shall state the effective date of the boundary

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change. The ordinances shall be adopted by majority vote of each board of supervisors.

(c) If, in the case of inhabited territory, more than 25 percent, but not more than 50 percent, of the resident-voters in the affected territory have filed and have not withdrawn written protests before the conclusion of the hearing, the board of supervisors of each affected county shall provide that their ordinances are subject to confirmation by the voters in the affected territory. The election shall be conducted in accordance with the procedures of the Elections] Code relating to county referendum elections regarding the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns, and all other particulars.

(d) After the canvass of the returns of any election on the proposed boundary change conducted pursuant to subdivision (c), the board of supervisors of the conducting county shall declare by resolution the total number of votes cast in the election and the number of votes cast for and against the proposed boundary change. If a majority of the votes were cast against the proposed boundary change, then the ordinances adopted pursuant to subdivision (a) shall not take effect. If a majority of the votes were cast in favor of the proposed boundary change, then the ordinances shall take effect, as provided.

23211. Each county shall continue to provide services to the territory within its own boundaries until the effective date of the boundary change as specified in the ordinances adopted pursuant to Section 23210.

23212. When a county boundary is changed pursuant to this article, the boards of supervisors of the affected counties shall file before the following December 1, with the State Board of Equalization and with the assessors of the affected counties, a statement setting forth the legal description of the boundary, as changed, together with a map or plat indicating the boundary. The change of the boundary shall not be effective for purposes of assessment or taxation unless the statement, together with the map or plat is filed with the assessors and the State Board of Equalization on or before December 1 of the year immediately preceding the year in which the assessments or taxes are to be levied.

23213. All taxes levied before the effective date of the boundary change shall be collected by the officers of and belong to the county in which the affected territory was situated before the boundary change, unless the ordinances adopted pursuant to Section 23210 provide otherwise.

23214. After the effective date of the boundary change, the officers of the affected counties shall complete all proceedings necessary for the assessment or collection of state and local taxes for the current year with respect to the affected territory. Subject

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to Section 23213, all actions taken by the officers of the affected county before the effective date of the boundary change shall be deemed performed by the officers of the county in which the affected territory is situated after the effective date of the boundary change, for the benefit of that county.

23215. The officers of an affected county shall immediately execute and deliver to the board of supervisors of the other affected county copies of all assessments or other proceedings relative to the assessment and collection of the current state and local taxes in the affected territory. The copies shall be filed with the respective officers of the affected counties who would have their custody if the proceedings had been originally had in that county and shall be deemed originals. All proceedings recited in the copies shall be deemed original proceedings in the other affected county and shall have the same effect as if the proceedings had been had at the proper time and in the proper manner by the respective officials of that county.

23216. The county superintendent of schools of an affected county shall furnish the superintendent of the other affected county with a certified copy of the last school census of the school districts in the affected territory. A county superintendent of schools shall transfer to the superintendent of the other affected county any money that is or may be due to the school districts in the affected territory.

23217. The auditor of an affected county shall transfer to the auditor of the other affected county any money that is or may be due to the other affected county from road districts in the affected territory. The money shall be properly credited in each county.

23218. No school district and no special district, including a special district which is governed by a board of supervisors or whose governing body is the same as the board of supervisors, shall have its territory divided or have its organization changed in any other way as the result of a county boundary change except by proceedings taken pursuant to law subsequent to the boundary change.

23219. If the affected counties are located in different district court of appeals districts, the district court of appeals district which includes the affected territory shall retain jurisdiction in all cases pending in a session of that court.

23220. On and after the effective date of the boundary change, the superior court in each affected county shall retain jurisdiction in all cases pending in a session of that court.