

**ELECTIONS CODE - ELEC**

**DIVISION 11. RECALL ELECTIONS [11000 - 11386]**

*( Division 11 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

**CHAPTER 3. Recall of Local Officers: Intermediate Steps in the Recall [11200 - 11242]**

*( Chapter 3 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

**ARTICLE 2. Recall Petitions [11220 - 11227]**

*( Article 2 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

**11221.**

The number of qualified signatures required in order to qualify a recall for the ballot shall be as follows:

(a) In the case of an officer of a city, county, school district, community college district, county board of education, or resident voting district, the number of signatures shall be equal in number to not less than the following percent of the registered voters in the electoral jurisdiction:

- (1) Thirty percent if the registration is less than 1,000.
- (2) Twenty-five percent if the registration is less than 10,000 but at least 1,000.
- (3) Twenty percent if the registration is less than 50,000 but at least 10,000.
- (4) Fifteen percent if the registration is less than 100,000 but at least 50,000.
- (5) Ten percent if the registration is 100,000 or above.

(b) For purposes of this section, the number of registered voters shall be calculated as of the time of the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, and prior to the finding by the elections official or Secretary of State that no alterations are required in the form of the recall petition pursuant to Section 11042.

(c) (1) In the case of a state officer, including judges of courts of appeal and trial courts, the number of signatures shall be as provided for in subdivision (b) of Section 14 of Article II of the California Constitution. In the case of a judge of a superior court, which office has never appeared on the ballot since its creation, or did not appear on the ballot at its last election pursuant to Section 8203, the number of signatures shall be as provided in subdivision (b) of Section 14 of Article II of the California Constitution, except that the percentage shall be based on the number of votes cast within the judicial jurisdiction for the countywide office which had the least number of votes in the most recent general election in the county in which the judge holds his or her office.

(2) For purposes of this subdivision, "countywide office" means an elective office wholly within the county which is voted on throughout the county.

(d) In the case of a landowner voting district, signatures of voters owning at least 10 percent of the assessed value of land within the electoral jurisdiction of the officer sought to be recalled.

*(Amended by Stats. 2002, Ch. 784, Sec. 97. Effective January 1, 2003.)*



OFFICE OF ASSEMBLYMEMBER

**Anna Caballero**

THIRTIETH ASSEMBLY DISTRICT

**ASSEMBLY BILL 2258**

**PURPOSE**

AB 2258 establishes a funding program to provide grants to Local Agency Formation Commissions (LAFCo) to conduct studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of services and to complete the process to terminate inactive special districts.

Grant funds will be used specifically to conduct special studies to identify and fund projects which create greater efficiencies in the provision of municipal services and initiate actions based on those studies that remove or reduce local costs, thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans, and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would be administered by the Strategic Growth Council and would sunset on December 31, 2023.

**PROBLEM**

LAFCos are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives cannot be regularly met under current funding mechanisms. As a result, much-needed LAFCo activities are sometimes delayed or rejected because of the lack of funds. There is an increasing call for LAFCos to conduct more in-depth studies of local agency service providers that would consider options for greater efficiencies in the delivery of public services and improved governance models. AB 2258, as a pilot program, will provide for a small amount of one-time grant funding to assist LAFCos in performing these special studies.

**BACKGROUND**

The Legislature established LAFCos in 1963 to encourage the orderly formation of local government agencies. Since that time, the role and responsibilities of LAFCos have substantially increased to include preserving agricultural and open space land resources, discourage urban sprawl, and to ensure the efficient and sustainable provision of public services. Operating in all 58 California counties, LAFCos are responsible for assisting in the provision of effective local government services through its explicit authority to conduct boundary changes, approve spheres of influence, conduct municipal service reviews, and initiate changes of organization and reorganization for special districts.

Recently, some critics have become frustrated with the deliberative LAFCo process that was not designed to yield immediate results, but rather to ensure all parties are actively engaged and the citizens' right to protest is not infringed. This has resulted in legislation that often overrides local LAFCo processes in favor of a more streamlined approach that removes some or many of the deliberative safeguards imposed on LAFCos. An August 2017 Little Hoover Commission report on special districts outlined such concerns and recommended the Legislature consider one-time grant funding to pay for specified activities, suggesting that a small amount of funds (\$1-\$3 million) could save taxpayers money if local government services are streamlined and efficiency is improved.

The California Association of Local Agency Formation Commissions (CALAFCO) surveyed its members to assist in developing a grant funding program. For a relatively small cost, LAFCos would be able to address known service and governance concerns that could potentially save California taxpayers additional money

through the reorganization of local government agencies and improved efficiencies in service delivery.

## **SOLUTION**

AB 2258 establishes a grant funding program, administered by the Strategic Growth Council, to provide LAFcos with funding to initiate and complete dissolution of inactive districts, prepare special studies, and potentially initiate actions based on determinations contained in the study. The grant program includes specific eligible activities and a requirement to report to the Strategic Growth Council as to the use of grant funds.

## **CONTACT**

Adriana Zerio | Legislative Director  
[adriana.zerio@asm.ca.gov](mailto:adriana.zerio@asm.ca.gov) | 916.319.2030

Pamela Miller | California Association of Local Agency  
Formation Commissions (CALAFCO)  
[pmiller@calafco.org](mailto:pmiller@calafco.org) | 916.442.6536



# CALAFCO

## AB 2258 (Caballero) LAFCo Talking Points

**Problem statement:** Local Agency Formation Commissions (LAFCos) are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives cannot be regularly met under for a number of reasons. As a result, much-needed LAFCo activities are sometimes delayed or rejected. There is an increasing call in the Legislature for LAFCos to conduct more in-depth studies of local agency service providers that would consider options for greater efficiencies in the delivery of public services and improved governance models, and for LAFCos to initiate such actions. In some instances, such actions could potentially save California tax payers additional money and see improved efficiencies in the delivery of municipal services.

**Solution:** AB 2258, as a pilot program, addresses several of the significant deterrents for LAFCos to initiate action. Through AB 2258, LAFCos and service providers can work together to create greater efficiencies in the provision of sustainable municipal services, focusing on disadvantaged communities throughout California, by directing much needed resources to these areas. AB 2258 is a follow-up to one of the recommendations made by the Little Hoover Commission in their report published August 2017 titled, *Special Districts: Improving Oversight & Transparency*.

### What the bill does:

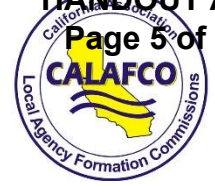
- Establishes a funding program, administered by the Strategic Growth Council, for a five-year pilot program to sunset December 31, 2023. The program does the following:
  - ✓ Provides grants to LAFCos to address **known** service and governance concerns in disadvantaged communities that could potentially save California taxpayers additional money through the study, analysis and potential change of organization or reorganization of local government agencies for improved efficiencies in service delivery.
  - ✓ Provides financial reimbursement to LAFCos for the unfunded mandate to dissolve inactive districts identified by the State Controller's office (SCO), pursuant to SB 448 (Wieckowski, 2017).
  - ✓ Changes protest thresholds for purposes of actions taken in the pilot program to mirror existing statute of a majority for dissolutions (Gov. Code Sec. 57077.1.c) and 25% for all other actions (Gov. Code Sec. 57075). **These changes are consistent with existing statute and are not arbitrary.** There is a substantial difference in the threshold for LAFCo-initiated actions versus non LAFCo-initiated actions. Combined with a lack of financial resources, the low and disparate threshold (10%) leaves little incentive for the LAFCo to initiate action. **LAFCo INITIATED ACTION CURRENTLY REQUIRES A 90% SUPPORT LEVEL, WHEREAS ALL OTHER ACTIONS REQUIRE A 75% SUPPORT LEVEL. Even the establishment or increase in tax rates requiring a majority or 2/3 approval rating are far less than the 90% required for LAFCo-initiated actions.**
- Requires that LAFCos have a Municipal Service Review (MSR) on file with determinations indicating efficiencies can be gained by a change of organization or reorganization in order to study the service provider further or initiate action.

### What the bill does not do:

- **Does not remove the people's right to protest.** Simply mirroring existing statute levels for non-LAFCo initiated actions **does not disenfranchise** local residents. The ability to protest remains intact.

# CALAFCO

## AB 2258 (Caballero) LAFCo Talking Points



- **Does not alter in any way the original intent of the Cortese-Knox-Hertzberg Reorganization Act.** The bill does not give LAFCo radical new powers and is an important step towards providing LAFCos the resources needed to address agencies that have already been identified as those with known service and/or governance issues. The only thing AB 2258 creates that is outside of the Cortese-Knox-Hertzberg Reorganization Act is a funding source.
- **Does not change the standard protest threshold for any other LAFCo initiated action.** The standard 10% threshold for any other LAFCo-initiated action will remain intact. The change in threshold pertains only to those actions taken within this project scope.

**Supporting data and evidence:** In a 2017 CALAFCO member survey, LAFCos overwhelmingly indicated that significant deterrents to initiating actions included a lack of money and the protest provision threshold of 10%. In fact, 27% of respondents indicated the protest threshold and lack of funding are such significant deterrents that while the LAFCo may recommend an action in a MSR, they will rarely ever initiate action as a result. It is hard to measure that which does not exist. With approximately 50% of LAFCos having an annual budget of under \$200,000/year, expending this level of money for special studies and actions can have a significant impact to their overall budget and annual work plan. AB 2258 will help with this financial burden.

CALAFCO is committed to the ongoing conversation of a thorough review and clean-up of the protest provisions, as we recommended to the Little Hoover Commission in 2017 and we look forward to a full stakeholder review in the near future.

Senate Committee Membership to contact for AB 2258

Senate Appropriations Committee Membership:

Senator Anthony J. Portantino (Chair) – 25<sup>th</sup> District: Los Angeles, San Bernardino  
(818) 952-3432

Senator Patricia Bates (Vice Chair) – 36<sup>th</sup> District: Orange, San Diego  
(916) 651-4036

Senator Jim Beall – 15<sup>th</sup> District: Santa Clara  
(916) 651-4015

Senator Steven Bradford – 35<sup>th</sup> District: Los Angeles  
(916) 651-4035

Senator Jerry Hill – 13<sup>th</sup> District: San Mateo, Santa Clara  
(916) 651-4013

Senator Jim Nielsen – 4<sup>th</sup> District: Butte, Colusa, Glenn, Placer, Sacramento, Tehama,  
Yuba  
(916) 651-4904

Senator Scott Wiener – 11<sup>th</sup> District: San Francisco, San Mateo  
(916) 651-4011

Senate Floor Vote Contact:

Senator Ted Gaines – 1<sup>st</sup> District: El Dorado, Lassen, Modoc, Nevada, Plumas,  
Sacramento, Shasta, Sierra, Siskiyou  
(916) 651-4001, State Capitol  
(916) 651-4001, Granite Bay Office