

Hi. This is Chris Micheli with the Sacramento governmental relations firm of Aprea and Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on the district organization law. In government code Title Six, Division One, Chapter One, California state law establishes the District Organization Law. It was added in 1951 and Chapter One contained Section 58,000 to 58,200. The law is known as the District Organization Law and its purpose is to make available a procedure for the organization, operation, and government of districts in the state of California.

This chapter applies when and to the extent that it's adopted or incorporated by reference in a law providing for a particular district or type of district in the state of California. Now, Section 58,004 provides a number of definitions for terms that are used in this chapter. A notice is required to be published once a week for three successive weeks prior to the date that is set for the event for which the notice is given. Proof of publications required. It can be done by affidavit of the owner, publisher, printer or clerk of the newspaper.

Article Two deals with petitions for formations, and the formation proceedings are commenced by a petition which has to be signed by a specified number of petitioners and addressed to and filed with the supervising authority. In Section 58,034, there are five requirements for the petition to meet. Now, in Article Three it deals with preliminary hearings, such as the requirement that the supervising authority must fix a time and place for hearing and that the hearing may be continued from any time to enable the making of any required investigation report.

Article Four deals with the final hearing and Section 58,090 requires the supervising authority to specify the time and place for that final hearing on the petition. The notice is given by the clerk and Section 58,091 specifies the six required items to be contained in the Notice of Final Hearing. Then, Section 58,097 permits oral or written protest to be made at the hearing by any person interested in the formation of the proposed district. Then there are other code sections that provide the specifics related to these protests.

Pursuant to Section 58,101, at the hearing any owner of land in the proposed district may present to the supervising authority a written request for exclusion of all or part of the land. In 58,102, it permits the hearing of any land owner outside the proposed district who could make a presentation to the supervising authority and provide them a written request for inclusion of their land. In Section 58,101 and 108, there's a requirement that the clerk publish notice of inclusion to the address of the owner of the land as shown on the county assessment rule.

Section 58,109 requires the notice to describe the land proposed to be included. It also states the time and place at which any objections to including that particular land can be heard. Now, Article Five deals with the formation of districts. Section 58,130 requires that within 20 days after adopting the resolution that establishes the district boundaries, that the supervising authority

has to call and give notice of an election to be held in the proposed district to determine whether the district to be formed and whatever elected offices there are and officers who will serve that district.

Now, 58,132 talks about the votes to be cast at the election to organize the district and 58,133 requires the clerk to file a certified copy of the resolution with the Secretary of State of California as well as the office of the county recorder of each county in which any land in the district is located. Then once these filings are made with the local county recorder and the Secretary of State, then the organization of the district is complete.

Finally, under Article Seven of the District Organization Law, this Article Seven deals with validating proceedings. Specifically, Section 58,200 specifies that an action to determine the legality of the existence of the district can be brought pursuant to the Code of Civil Procedure. So this is an overview of the District Organization Law that allows the creation of new districts in the state of California. Thanks for joining the podcast.