

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

COMMUNITY WATER COALITION,

Plaintiff and Appellant,

v.

SANTA CRUZ COUNTY LOCAL
AGENCY FORMATION COMMISSION,

Defendant and Respondent;

CITY OF SANTA CRUZ et al.,

Real Parties in Interest and
Respondents.

H036616

(Santa Cruz County
Super. Ct. No. CV167407)

ORDER MODIFYING OPINION
AND DENYING PETITION FOR
REHEARING

BY THE COURT:

It is ordered that the opinion filed herein on November 18, 2011, be modified in the following particulars:

On page 1, first paragraph, third sentence, replace “Even though City was a party to the agreement for which UCSC sought LAFCO approval, and even though City had submitted a letter to LAFCO stating that it was willing to provide the services if LAFCO approved” with “Even though City was a party to the agreement for which UCSC sought LAFCO approval, and even though LAFCO procedures required City to submit a letter stating that it was willing to provide the services if LAFCO approved”

On page 2, first full paragraph, third sentence, replace “The fact that the prospective recipient of the services filed the application does not prevent the LAFCO from ruling upon the request so long as the city or district that will provide the services is

a party to the agreement for which LAFCO approval is sought and joins” with “The fact that the prospective recipient of the services filed the application does not prevent the LAFCO from ruling upon the request so long as the city or district that will provide the services is a party to the agreement for which LAFCO approval is sought and is required to join”

There is no change in judgment. The petition for rehearing is denied.

Dated: _____

Premo, Acting P.J.

Duffy, J.*

Walsh, J.**

* Retired Associate Justice of the Court of Appeal, Sixth Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

** Judge of the Santa Clara County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.