

SAN MATEO

**LOCAL AGENCY FORMATION COMMISSION**

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January 14, 2016

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer
Subject: Legislative Report

CALAFCO Legislative Update

Attached is the summary of bills that CALAFCO is tracking. Staff will be prepared to provide an update at the Commission meeting. The following provides background on AB 1362 (Gordon), which would add an alternate process for appointment of trustees to a mosquito and vector control district.

AB 1362 (Gordon) – Mosquito Abatement District Boards

Assemblymember Rich Gordon has introduced AB 1362, Mosquito Abatement District Boards, which proposes an alternative to the current trustee appointment process for mosquito and vector control districts that have countywide boundaries. Mosquito and vector control districts operate pursuant to Health and Safety Code Section 2000 et seq., which includes a provision that the city council of each city included in the territory of a district shall appoint a trustee to the district board and the county shall appoint one trustee. City councils can appoint city residents or city council members to serve as trustees. For the San Mateo County Mosquito and Vector Control District (SMCMVCD), this provision results in a 21-member board of trustees. AB 1362 would allow an alternative city appointment process by the City Selection Committee for countywide mosquito and vector control districts if a majority of the cities in the county adopt resolutions requesting the alternative appointment process. The bill also provides that the City Selection Committee can determine the number of city trustees and if that number results in a board of fewer than five trustees including the county trustee, the county can appoint additional members to bring the membership up to five. Of the 65 mosquito and vector control districts in the State, eight are countywide.

As drafted, the bill would have no effect on countywide mosquito and vector control districts unless a majority of the cities in a county adopt resolutions to implement the alternate appointment process.

Assemblymember Gordon's office has reached out to the California Special Districts Association (CSDA), League of California Cities (LCC), Mosquito and Vector Control Association of California (MVCAC), California Association of LAFCOs (CALAFCO), and individual mosquito and vector control districts. By copy of this memo to the Clerk of the City Selection Committee, the mayors of San Mateo County cities will receive this report and attachments.

Respectfully submitted,



Martha M. Poyatos
Executive Officer

Attachments: CALAFCo Legislative Report
AB 1362 Fact Sheet and Bill Analysis
MVCAC letter of opposition

cc: John Maltbie, San Mateo County Manager
Sukhmani Purewal, San Mateo County City Selection Committee
Pamela Miller, Executive Director, CALAFCO
Chindi Peavy, General Manager, San Mateo County Mosquito and Vector Control District
Angela Pontez, Office of Assemblymember Rich Gordon

CALAFCO Daily Legislative Report as of Thursday, January 14, 2016

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AB 115 (Committee on Budget) Water.

Current Text: Amended: 6/18/2015 [pdf](#) [html](#)

Introduced: 1/9/2015

Last Amended: 6/18/2015

Status: 9/11/2015-Ordered to inactive file at the request of Senator Mitchell.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the State Water Resources Control Board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation.

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Special District Consolidations, Water

CALAFCO Comments: This bill is the same as SB 88. As amended, AB 115 gives the State Water Resources Control Board (SWRCB) direct authority to mandate either an extension of service or consolidation of water systems, including public and private systems, and individual wells. The bill focuses on disadvantage communities. Prior to ordering the consolidation, the SWRCB must make certain determinations and take certain actions, including conducting a public hearing in the affected territory. They are also required to "consult with and fully consider input from the relevant LAFCo, the PUC, and either the city or county (whichever has land use authority). Entities are allowed 6 months to find workable solutions before the SWRCB mandates the action. Prior to making the order, the SWRCB must make certain determinations. Upon making the order, the SWRCB must make funding available to the receiving water system for capacity building (no operations and maintenance funding is provided, adequately compensate the subsumed system, pay fees to the LAFCo for whatever work they will do (which is as of now undefined) to facilitate the action. The bill also contains certain CEQA exemptions and liability relief for the subsuming water entity, as well as various penalties. Finally, the bill makes legislative findings and declarations as to the reason for the SWRCB to have these powers, which has been taken directly from the legislative findings and declarations of CKH and the reason LAFCos have the powers they do.

CALAFCO has attempted to work with the administration for some time in defining the best possible process for these actions. However, for the most part, amendments proposed have been dismissed. CALAFCO has a number of concerns regarding the proposed process, not the least of which is the language in section 116682 (g) (the way it is worded now, it exempts the entire consolidation process and there is a legal argument that this would divest LAFCO of any authority to complete the consolidation since that authority is solely contained in CKH). Further, we requested indemnification for LAFCo as they implement section 11682(e) (4) which was also dismissed.

AB 402 (Dodd D) Local agency services: contracts.

Current Text: Chaptered: 10/2/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 8/26/2015

Status: 10/2/2015-Chaptered by Secretary of State - Chapter 431, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.			

1st House	2nd House	Conc.	Enrolled	Vetoed	Chaptered
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Summary:

Would establish a pilot program, until January 1, 2021, for the Napa and San Bernardino commissions that would permit those commissions to authorize a city or district to provide new or extended services outside both its jurisdictional boundaries and its sphere of influence under specified circumstances. This bill contains other related provisions.

Position: None at this time

Subject: CKH General Procedures, LAFCo Administration, Service Reviews/Spheres

CALAFCO Comments: This bill creates a 5 year pilot opportunity for Napa and San Bernardino LAFCo Commissions to authorize an extension of services outside boundaries and spheres to support existing or planned uses pending the commission's determination that (1) a service deficiency was identified and evaluated in a MSR; AND (2) the extension of services will not result in adverse impacts on open space or ag lands or have growth inducing impacts.

CALAFCO previously considered (over an extensive period of time) amending GC §56133, and twice (in 2011 and again in 2013) the CALAFCO Board of Directors decided not to pursue those amendments. This is not a CALAFCO sponsored bill. Assembly member Dodd is a former Napa LAFCo Commissioner.

AB 448 (Brown D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 2/23/2015 [pdf](#) [html](#)

Introduced: 2/23/2015

Status: 8/27/2015-In committee: Held under submission.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally provides that each jurisdiction shall be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. This bill would modify these reduction and transfer provisions, for the 2015-16 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Attachments:

[CALAFCO Support Letter March 2015](#)

Position: Support

Subject: Financial Viability of Agencies, Tax Allocation

CALAFCO Comments: As introduced, this bill is identical to AB 1521 (Fox) from last year. This bill reinstates the VLF payment (through ERAF) and changes the way that the growth in the VLF adjustment amount (property tax in lieu of VLF) is calculated starting in FY 2015-16 to include the growth of assessed valuation, including in an annexed area, from FY 2004-05 to FY 2015-16. Beginning in FY 2016-17, the VLF adjustment amount would be the jurisdiction's annual change in the assessed valuation

AB 851 (Mayer R) Local government: organization: disincorporations.

Current Text: Chaptered: 9/21/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 8/18/2015

Status: 9/21/2015-Chaptered by Secretary of State - Chapter 304, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes a local agency which is conducting proceedings for the incorporation of a city, formation of a district, change of organization, a reorganization, a change of organization of a city, or a municipal reorganization to propose the adoption of a special tax

on behalf of the affected city or district in accordance with this procedure. This bill would additionally authorize a local agency conducting proceedings for the disincorporation of a city to propose the adoption of a special tax on behalf of an affected city in accordance with the above-described procedure.

Attachments:

- [CALAFCO Letter Requesting Governor Signature](#)
- [CALAFCO Support Mar 2015](#)

Position: Sponsor

Subject: CKH General Procedures, Disincorporation/dissolution

CALAFCO Comments: Sponsored by CALAFCO. As amended, this bill addresses the long-outdated statutes relating to disincorporation. Although many other areas of CKH have been updated over the past 52 years, the areas pertaining to disincorporations remain in their original format as written in 1963.

This bill does the following: (1) Clarifies the expectation for assignment of responsibility for debt that will continue in existence after disincorporation; (2) Establishes the parameters and requirements for the submission of the Plan for Service for a disincorporation proposal which outlines existing services, the proponent’s plan for the future of those services, and whether or not a bankruptcy proceeding has been undertaken; (3) Establishes the responsibilities of LAFCOs in preparing a Comprehensive Fiscal Analysis for disincorporations, the determination of the transfer of property tax revenues previously received by the proposed disincorporating City, and the determination of the transfer of debt to a successor agency or agencies. Further, the bill retains LAFCOs existing authority to impose terms and conditions on a proposed disincorporation as well as the election requirements necessary for approval of disincorporation. The proposed disincorporation statutory changes use the incorporation provisions as a template to propose changes in the disincorporation process.

AB 1532 (Committee on Local Government) Local government: omnibus.

Current Text: Chaptered: 7/15/2015 [pdf](#) [html](#)

Introduced: 3/23/2015

Last Amended: 5/22/2015

Status: 7/15/2015-Chaptered by Secretary of State - Chapter 114, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires a local agency formation commission to notify specified state agencies having oversight or regulatory responsibility over, or a contractual relationship with, a local health care district when a proposal is made for any of specified changes of organization affecting that district. This bill would update obsolete references to a "hospital" district and replace outdated references to the State Department of Health Services with references to the State Department of Public Health and the State Department of Health Care Services.

Attachments:

- [CALAFCO Letter Requesting Governor Signature](#)
- [CALAFCO Support Letter March 2015](#)

Position: Sponsor

Subject: CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill for the Cortese-Knox-Hertzberg Reorganization Act of 2000. This bill makes nonsubstantive technical clean-up corrections to the Act.

SB 25 (Roth D) Local government finance: property tax revenue allocation: vehicle license fee adjustments.

Current Text: Vetoed: 9/22/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 8/28/2015

Status: 9/22/2015-Vetoed by the Governor

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.			
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1st House		2nd House		Conc.	Enrolled	Vetoed	Chaptered
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Calendar:

1/15/2016 #10 SENATE SEN GOVERNOR'S VETOES

Summary:

Would modify specified reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2014-15 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation. This bill contains other related provisions and other existing laws.

Attachments:

- [CALAFCO Letter to Governor Requesting Signature](#)
- [CALAFCO Support March 2015](#)

Position: Support

Subject: Financial Viability of Agencies

CALAFCO Comments: Identical to SB 69 (Roth) from 2014, the bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2014/15 year for cities that incorporated between 1-1-2004 and 1-1-2012.

SB 88 (Committee on Budget and Fiscal Review) Water.

Current Text: Chaptered: 6/24/2015 [pdf](#) [html](#)

Introduced: 1/9/2015

Last Amended: 6/17/2015

Status: 6/24/2015-Chaptered by Secretary of State - Chapter 27, Statutes of 2015

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the State Water Resources Control Board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation.

Position: Oppose

Subject: Disadvantaged Communities, LAFCo Administration, Special District Consolidations, Water

CALAFCO Comments: This bill is the same as AB 115. As amended, SB 88 gives the State Water Resources Control Board (SWRCB) direct authority to mandate either an extension of service or consolidation of water systems, including public and private systems, and individual wells. The bill focuses on disadvantage communities. Prior to ordering the consolidation, the SWRCB must make certain determinations and take certain actions, including conducting a public hearing in the affected territory. They are also required to "consult with and fully consider input from the relevant LAFCo, the PUC, and either the city or county (whichever has land use authority). Entities are allowed 6 months to find workable solutions before the SWRCB mandates the action. Prior to making the order, the SWRCB must make certain determinations. Upon making the order, the SWRCB must make funding available to the receiving water system for capacity building (no operations and maintenance funding is provided, adequately compensate the subsumed system, pay fees to the LAFCo for whatever work they will do (which is as of now undefined) to facilitate the action. The bill also contains certain CEQA exemptions and liability relief for the subsuming water entity, as well as various penalties. Finally, the bill makes legislative findings and declarations as to the reason for the SWRCB to have these powers, which has been taken directly from the legislative findings and declarations of CKH and the reason LAFCOs have the powers they do.

CALAFCO has attempted to work with the administration for some time in defining the best possible process for these actions. However, for the most part, amendments proposed have

been dismissed. CALAFCO has a number of concerns regarding the proposed process, not the least of which is the language in section 116682 (g) (the way it is worded now, it exempts the entire consolidation process and there is a legal argument that this would divest LAFCO of any authority to complete the consolidation since that authority is solely contained in CKH). Further, we requested indemnification for LAFCo as they implement section 11682(e) (4) which was also dismissed.

SB 239 (Hertzberg D) Local services: contracts: fire protection services.

Current Text: Chaptered: 10/10/2015 [pdf](#) [html](#)

Introduced: 2/17/2015

Last Amended: 9/2/2015

Status: 10/10/2015-Chaptered by Secretary of State - Chapter 763, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would, with certain exceptions, permit a public agency to exercise new or extended services outside the public agency's jurisdictional boundaries pursuant to a fire protection contract, as defined, only if the public agency receives written approval from the local agency formation commission in the affected county. This bill contains other related provisions and other existing laws.

Attachments:

[CALAFCO Removal of Opposition to No Position Leter](#)

[CALAFCO OpposeLetter April 2015](#)

Position: None at this time

Subject: CKH General Procedures, Municipal Services

CALAFCO Comments: As amended this bill sets forth requirements for the application of service extensions relating to fire protection services. The bill calls for a Fire Protection Contract to be submitted with the application. This is required for applications that (1) Transfer greater than 25% of the service area or (2) Changes the employment status of more than 25% of employees of any affected agencies. Prior to submitting the application for service extension, all affected agency employee unions must approve the request and conduct a public hearing; or, provide at least 30 days notice of the public hearing with such notice being sent to each affected public agency and all affected employee unions and shall include a copy of the proposed agreement. The bill requires contents of the Contract Plan to include: (1) Cost of providing services to be extended; (2) Cost to customers; (3) an ID of existing service providers; (4) Financing plan; (5) Alternatives to the extension; (6) Enumeration and description of services proposed; (7) level and range of services proposed; (8) Timeline for services to be provided; and (9) improvements or upgrades that would be imposed or required to provide services. Further, it requires a comprehensive Fiscal Analysis to be conducted. The bill also outlines determinations the commission must make that include the provider of services for the extension of service will build a "reasonable reserve" during the three years following the effective date of the contract.

The bill sets several precedents. First, it requires a California state agency to apply for, and request LAFCo approval prior to undertaking an action that involves the provision of services outside of a public agency's current service area under contract or agreement. Further, the >25% threshold that triggers this kind of scrutiny appears to be an arbitrary threshold with no data to support it. Next, LAFCos currently have exempted the review and approval of contracts or agreements between two public agencies - this bill would change that provision in certain circumstances. Finally, the bill addresses only one type of service provider, which fails to address the question of why the provision of fire protection services, by contract or agreement, outside of a public agency's boundaries, requires a different level of review than other types of equally vital services or demands a heightened or weighted review from any commenter or affected agency.

Many of CALAFCO's concerns have been removed by amendments, however there are some that remain as noted above. At question for CALAFCO members is whether or not the LAFCo should be reviewing and/or approving contracts/agreements between two public agencies, which is a question for which CALAFCO has received divergent positions. As a result,

CALAFCO removed our opposition and took a No Position on the bill.

SB 272 (Hertzberg D) The California Public Records Act: local agencies: inventory.

Current Text: Chaptered: 10/11/2015 [pdf](#) [html](#)

Introduced: 2/19/2015

Last Amended: 9/2/2015

Status: 10/11/2015-Chaptered by Secretary of State - Chapter 795, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require each local agency, except a local educational agency, in implementing the California Public Records Act, to create a catalog of enterprise systems, as defined, to make the catalog publicly available upon request in the office of the person or officer designated by the agency's legislative body, and to post the catalog on the local agency's Internet Web site.

Position: Watch

Subject: LAFCo Administration, Public Records Act

CALAFCO Comments: As amended, this bill requires all local agencies (including LAFCo) to create a catalogue of enterprise systems used by that agency and make that catalogue available to the public. For purposes of the bill, the author defines enterprise systems as a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both: (1) is a multi-departmental system or system containing information collected about the public; AND (2) a system of record for that agency. Further, the bill defines a system of record as a system that serves as an original source of data within an agency. The bill requires certain pieces of information be disclosed including (1) Current system vendor; (2) Current system product; (3) A brief statement of the system's purpose;(4) A general description of categories, modules, or layers of data;(5) The department that serves as the system's primary custodian;(6) How frequently system data is collected; and (7) How frequently system data is updated. Excluded are 911 systems and other public safety systems.

SB 552 (Wolk D) Public water systems: disadvantaged communities: consolidation or extension of service.

Current Text: Amended: 7/7/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 7/7/2015

Status: 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was RLS. on 7/9/2015)

Desk	Policy	Fiscal	Floor	Desk	2 year	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, for purposes of the California Safe Drinking Water Act, defines "disadvantaged community" to mean a disadvantaged community that is in an unincorporated area or is served by a mutual water company. This bill would allow a community to be a "disadvantaged community" if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company.

Position: Watch

Subject: Disadvantaged Communities, Water

CALAFCO Comments: This bill is being amended as a vehicle to clean-up the water consolidation legislation [passed through as a budget trailer bill, SB 88/AB 115.

AB 3 (Williams D) Isla Vista Community Services District.

Current Text: Chaptered: 10/7/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 9/9/2015

Status: 10/7/2015-Chaptered by Secretary of State - Chapter 548, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the establishment of the Isla Vista Community Services District by requiring the Board of Supervisors of the County of Santa Barbara to submit a resolution of application to the Santa Barbara County Local Agency Formation Commission, and, upon direction by the commission, place the questions of whether the district should be established and whether a utility user tax should be imposed on the ballot at the next countywide election following the completion of the review by the commission. By imposing new duties on the County of Santa Barbara, this bill would impose a state-mandated local program.

Attachments:

- [CALAFCO Oppose Unless Amended Letter April 2015](#)
- [CALAFCO Letter of Concern Dec 2014](#)

Position: Oppose unless amended

Subject: LAFCo Administration, Special District Powers

CALAFCO Comments: As amended the bill requires the Santa Barbara Board of Supervisors (BOS) on or before 1/5/16 to file a resolution of application with the Santa Barbara LAFCO to initiate a comprehensive review of the formation of the Isla Vista CSD. The LAFCO will not have the authority to make a final determination as to whether or not the CSD should be formed, but rather only make recommendations as to its formation. (This differs from the last version of the bill which did not include the LAFCO at all.) The final authority of whether or not the district shall be formed will stay with the voters. The bill requires the BOS to pay the appropriate fees for the LAFCO review and recommendations. Further, the bill requires the LAFCO to complete the review and make recommendations within 150 days of the filing of the resolution of application. Finally, because the people are voting on the establishment of the CSD, protest proceedings are being waived.

The bill also requires the BOS to place the formation question on the first ballot after LAFCO completes the review, and should the district be formed, the BOS shall then call for a vote on the funding of the district. Setting a precedent, the bill is calling for a utility user tax to fund the district, which shall be determined by 1/1/23. The bill also calls out the special governing structure of the district board, the boundaries of the proposed CSD and the authorities of the CSD.

[AB 707](#) ([Wood D](#)) **Agricultural land: Williamson Act contracts: cancellation.**

Current Text: Chaptered: 10/8/2015 [pdf](#) [html](#)

Introduced: 2/25/2015

Last Amended: 8/24/2015

Status: 10/8/2015-Chaptered by Secretary of State - Chapter 631, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law provides for the procedure to cancel a contract entered into under specified provisions of the Williamson Act, and provides that the landowner and the Department of Conservation may agree on the cancellation value of the land. This bill would require the department to provide a preliminary valuation of the land to the county assessor and the city council or board of supervisors at least 60 days prior to the effective date of the agreed upon cancellation valuation if the contract includes an additional cancellation fee, as specified.

Position: Watch

Subject: Ag Preservation - Williamson

CALAFCO Comments: As written, this bill repeals the provision that allows cancellation of the valuation of the land.

[AB 168](#) ([Maienschein R](#)) Mental health: community-based services.

Current Text: Amended: 1/4/2016 [pdf](#) [html](#)

Introduced: 1/22/2015

Last Amended: 1/4/2016

Status: 1/13/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 19. Noes 0.) (January 12). Re-referred to Com. on APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Department of Health Care Services to develop and submit a proposal to the United States Secretary of Health and Human Services to be selected as a participating state in the time-limited demonstration program as specified to receive enhanced federal matching funds for mental health services provided by certified community behavioral health clinics to Medi-Cal beneficiaries.

Position: Placeholder - monitor

Subject: Tax Allocation

[AB 369](#) ([Steinorth R](#)) Local government.

Current Text: Introduced: 2/17/2015 [pdf](#) [html](#)

Introduced: 2/17/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2015)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The Planning and Zoning Law establishes in each city and county a planning agency with the powers necessary to carry out the purposes of that law. Current law sets forth the Legislature's findings and declarations regarding the availability of affordable housing throughout the state. This bill would make nonsubstantive changes to those findings and declarations.

Position: Placeholder - monitor

[AB 541](#) ([Dahle R](#)) Big Valley Watermaster District Act.

Current Text: Introduced: 2/23/2015 [pdf](#) [html](#)

Introduced: 2/23/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/5/2015)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would create a watermaster district with unspecified boundaries within the Counties of Lassen and Modoc to be known as the Big Valley Watermaster District. The bill would generally specify the powers and purposes of the district. The bill would prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of water right holders whose place of use under an appointed decree, as defined, is a parcel of real property within the district.

Position: Watch

Subject: LAFCo Administration, Special District Powers, Water

[AB 568](#) ([Dodd D](#)) Reclamation District No. 108: hydroelectric power.

Current Text: Chaptered: 8/7/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 5/14/2015

Status: 8/7/2015-Chaptered by Secretary of State - Chapter 134, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes Reclamation District No. 1004, in conjunction with the County of Colusa, to construct, maintain, and operate a plant, transmission lines, and other necessary or appropriate facilities for the generation of hydroelectric power, as prescribed. Current law requires proceeds from the sale of electricity to be utilized to retire any time warrants issued for construction of the facilities and otherwise for the powers and purposes for which the district was formed. This bill would grant the above-described hydroelectric power authority to Reclamation District No. 108 until January 1, 2021.

Position: Watch

Subject: Special District Powers

AB 656 (Garcia, Cristina D) Joint powers agreements: mutual water companies.

Current Text: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 2/24/2015

Last Amended: 6/22/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 250, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would specifically authorize a mutual water company and a public agency to participate in joint powers agreement for the provision of insurance and risk-pooling, technical support, and other similar services for the purpose of reducing risk liability, as specified.

Position: Watch

Subject: Other

CALAFCO Comments: As amended, the bill gives the ability for a mutual water company to enter into a joint powers agreement with a public water agency for the purposes of either risk-pooling or the provision of technical support, continuing education, safety engineering, operational and managerial advisory assistance to be provided to the members of that joint powers agency.

AB 1362 (Gordon D) Mosquito abatement and vector control districts: board of trustees: appointment of members.

Current Text: Amended: 1/4/2016 [pdf](#) [html](#)

Introduced: 2/27/2015

Last Amended: 1/4/2016

Status: 1/13/2016-From committee: Do pass. (Ayes 9. Noes 0.) (January 13).

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar:

1/15/2016 #6 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

Summary:

Would authorize the board of supervisors and a city selection committee, established pursuant to specified provisions of law, to appoint persons to the board of trustees, as specified, in the case of a district that is located entirely within a single county and contains both incorporated territory, including every city within that county, and unincorporated territory.

Position: None at this time

SB 13 (Pavley D) Groundwater.

Current Text: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 12/1/2014

Last Amended: 7/6/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 255, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would specify that the State Water Resources Control Board is authorized to designate a high- or medium-priority basin as a probationary basin. This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin.

Position: Watch

Subject: Water

CALAFCO Comments: While this bill has no direct affect on LAFCoS, the formation of groundwater management agencies and groundwater management is of interest, therefore CALAFCO will watch the bill.

SB 181 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 6/1/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 6/1/2015-Chaptered by Secretary of State - Chapter No. 4, Statutes of 2015

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the First Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments:

[CALAFCO Letter of Support Mar 2015](#)

Position: Support

Subject: Other

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 182 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 9/3/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 9/3/2015-Chaptered by Secretary of State - Chapter 256, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Second Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

Attachments:

[CALAFCO Letter of Support Mar 2015](#)

Position: Support

Subject: Other

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 183 (Committee on Governance and Finance) Validations.

Current Text: Chaptered: 7/2/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Status: 7/2/2015-Chaptered by Secretary of State - Chapter 45, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would enact the Third Validating Act of 2015, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Attachments:

[CALAFCO Letter of Support Mar 2015](#)

Position: Support

Subject: Other

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

[SB 184](#) (Committee on Governance and Finance) Local government: omnibus bill.

Current Text: Chaptered: 9/4/2015 [pdf](#) [html](#)

Introduced: 2/9/2015

Last Amended: 6/15/2015

Status: 9/4/2015-Chaptered by Secretary of State. Chapter 269, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes specified local entities, including cities, counties, special districts, and other authorized public corporations, to collect fees, tolls, rates, rentals, or other charges for water, sanitation, storm drainage, or sewerage system services and facilities. Under current law, a local entity may collect these charges on the property tax roll at the same time and in the same manner as its general property taxes, but is required to file a report on these collected charges. Current law requires the clerk or secretary to annually file the report with the auditor. This bill would define "clerk" to mean the clerk of the legislative body or secretary of the entity.

Position: Watch

Subject: Other

CALAFCO Comments: This bill is the Senate Governance & Finance Committee's annual Omnibus bill. This bill is intended to make technical, non-substantive changes to the Government Code outside of CKH.

[SB 226](#) (Pavley D) Sustainable Groundwater Management Act: groundwater adjudication.

Current Text: Chaptered: 10/9/2015 [pdf](#) [html](#)

Introduced: 2/13/2015

Last Amended: 9/3/2015

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 676, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law authorizes a court to order a reference to the State Water Resources Control Board, as referee, of any and all issues involved in a suit brought in any court of competent jurisdiction in this state for determination of rights to water. This bill would authorize the state to intervene in a comprehensive adjudication conducted as specified in AB 1390 of the 2015- 16 Regular Session. This bill contains other related provisions and other existing laws.

Position: None at this time

Subject: Water

CALAFCO Comments: As amended this bill addresses groundwater rights and is a follow up to the 2014 groundwater legislative package.

[SB 393](#) (Nguyen R) Local agencies.

Current Text: Introduced: 2/25/2015 [pdf](#) [html](#)

Introduced: 2/25/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/5/2015)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000,

establishes the sole and exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. This bill would make technical, nonsubstantive changes to the above-described law.

Position: Placeholder - monitor
Subject: CKH General Procedures
CALAFCO Comments: This is a spot bill.

SB 422 (Monning D) Santa Clara Valley Open-Space Authority.

Current Text: Chaptered: 7/15/2015 [pdf](#) [html](#)

Introduced: 2/25/2015

Last Amended: 6/18/2015

Status: 7/15/2015-Chaptered by Secretary of State - Chapter 99, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize the Santa Clara County Open-Space Authority to acquire, but not to take by eminent domain, interests in real property that are without the authority's jurisdiction, necessary to the full exercise of its powers. The bill would also authorize the authority's boundaries to be altered by the annexation of contiguous territory, in the unincorporated area of a neighboring county, as provided. The bill would change the name of the authority to the Santa Clara Valley Open-Space Authority and make conforming changes.

Subject: Special District Powers

SB 485 (Hernandez D) County of Los Angeles: sanitation districts.

Current Text: Chaptered: 10/9/2015 [pdf](#) [html](#)

Introduced: 2/26/2015

Last Amended: 8/27/2015

Status: 10/9/2015-Chaptered by Secretary of State - Chapter 678, Statutes of 2015.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would authorize specified sanitation districts in the County of Los Angeles to acquire, construct, operate, maintain, and furnish facilities for the diversion, management, and treatment of stormwater and dry weather runoff, the discharge of the water to the stormwater drainage system, and the beneficial use of the water. This bill contains other related provisions.

Subject: Special District Powers

SB 817 (Roth D) Local government finance.

Current Text: Introduced: 1/5/2016 [pdf](#) [html](#)

Introduced: 1/5/2016

Status: 1/6/2016-From printer. May be acted upon on or after February 5.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would state the Legislature's intent to enact legislation that would restore funding to cities that were incorporated after 2004.

Position: Placeholder - monitor
Subject: Financial Viability of Agencies

Total Measures: 28
 Total Tracking Forms: 28

AB 1362 (Gordon)

Mosquito Abatement District Boards

SUMMARY

AB 1362 provides countywide mosquito abatement and vector control districts increased flexibility in determining the organizational structure of the governing board. This will increase efficiency and reduce duplicative work.

Specifically, AB 1362 would authorize an optional alternative structure in the process of appointing trustees to local mosquito abatement and vector control boards. This process would authorize the County's City Selection Committee to appoint the appropriate number of city representatives to the mosquito abatement board, rather than having each city individually appoint one representative. The bill is an opt-in measure, allowing districts that wish to remain the status quo to do so by taking no action.

BACKGROUND

Under existing law, a mosquito abatement and vector control district with countywide boundaries will have a board of trustees composed of one representative from each city within the district and one representative from the Board of Supervisors.

Unlike most special districts, which are typically governed by five-member boards, mosquito abatement districts can have very large governing boards due to this appointment process. For instance, in San Mateo County there are 20 incorporated cities, and in Orange County there are 34 cities. The addition of one representative from the Board of Supervisors results in a 21 member board in San Mateo and 35 in Orange County.

Many cities struggle to consistently identify new candidates in a timely manner from a small pool of individuals, resulting in significant turnover and vacancies.

THIS BILL

AB 1362 addresses the issue of mosquito districts with oversized governance structures that are more difficult to manage and less transparent.

AB 1362 would authorize mosquito abatement districts with countywide boundaries to optionally utilize the City Selection Committee to appoint the appropriate number of trustees to the mosquito district's board. This process is used for multiple other types of special districts throughout the state, and would provide an opportunity for cities to collaborate on local board appointments.

In order to opt-in to the appointment process utilizing the City Selection Committee, a majority of member bodies of the district would have to enact a resolution requesting this. At this time, the resolution can also request that the size of the board be reduced.

Using the City Selection Committee to appoint Trustees to the Board provides an option for smaller governance and greater collaboration between neighboring cities in selecting appointees. This will result in streamlined governance, increased oversight of appointments and accountability of each Trustee, and general management efficiencies.

This change would also reduce pressure on each individual city to appoint a representative, and promote shared decisions on local governance. Additionally, AB 1362 would provide the City Selection Committee with the ability to determine the size of the mosquito district board. This process adds an additional level of oversight, while retaining the city councils' authority to appoint members.

Other benefits include reducing the costs associated with meeting expenses and stipends for each member's service, streamlining board communication, reducing duplicative work, and providing more transparency on the Board's representation and decision-making.

FOR MORE INFORMATION

Angela Pontes
Office of Assemblymember Rich Gordon
(916) 319-2024 | (916) 319-2124 (fax)
angela.pontes@asm.ca.gov

Date of Hearing: January 13, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Brian Maienschein, Chair

AB 1362 (Gordon) – As Amended January 4, 2016

SUBJECT: Mosquito abatement and vector control districts: board of trustees: appointment of members.

SUMMARY: Establishes an appointment process for the board of trustees of a mosquito abatement and vector control district that is located within a single county and contains both incorporated territory, including every city in the county, and unincorporated territory, as specified. Specifically, **this bill:**

- 1) Requires, within 30 days of formation, the board of trustees of a mosquito abatement and vector control district that is located entirely within a single county and contains both incorporated territory, including every city within the county, and unincorporated territory to be appointed as follows:
 - a) Authorizes the county board of supervisors to appoint one person;
 - b) Authorizes a city selection committee to appoint up to the total number of trustees as there are incorporated cities within the district; and,
 - c) Requires the board of supervisors to appoint additional trustees, if the appointments listed in a) and b), above, result in a less than five-member board.
- 2) Makes other technical changes.

EXISTING LAW:

- 1) Establishes the Mosquito Abatement and Vector Control District Law, which requires a legislative body of at least five members known as the board of trustees to govern every mosquito abatement and vector control district.
- 2) Requires a board of trustees to be appointed within 30 days after the effective date of the formation of a district, as follows:
 - a) In a district that is located in a single county and contains only unincorporated territory, the board of supervisors shall appoint five persons to the board of trustees;
 - b) In a district that is located entirely within a single county and contains both incorporated territory and unincorporated territory, the board of supervisors may appoint one person to the board of trustees, and the city council of each city that is located in whole or in part within the district may appoint one person to the board of trustees;
 - c) In a district located in more than one county that contains only unincorporated territory, the board of supervisors of each county may appoint one person to the board of trustees; and,

- d) In a district located in two or more counties and contains both incorporated territory and unincorporated territory, the board of supervisors of each county may appoint one person to the board of trustees and the city council of each city located whole or part in within the district may appoint one person to the board of trustees.
- 3) Specifies that each trustee appointed by a board of supervisors or a city council must be a voter in the area that is appointing them and a resident of the portion of the area they are representing.
- 4) Authorizes a board of trustees to adopt a resolution requesting that the board of supervisors of any county that contains territory within the district to increase or decrease the number of members on the board of trustees who represent the unincorporated territory of that county, and requires that within 60 days of receiving the resolution the board of supervisors order the increase or decrease.
- 5) Requires that a city selection committee be created by the mayors in any county in which two or more cities are incorporated for the purpose of appointing city representatives to boards, commissions, and agencies as required by law, the membership of which shall consist of the mayor of each city within the county.

FISCAL EFFECT: None

COMMENTS:

- 1) **Mosquito Abatement and Vector Control Districts.** There are 65 mosquito abatement and vector control districts in California. Mosquito abatement and vector control districts stand as guardians against epidemics, public health emergencies, and economic disasters. These districts have a long history of applying science to counter public health threats, and continue to do so as Californians face threats like the West Nile virus.

In 2002, the Senate Local Government Committee appointed a "Working Group on Revising the Mosquito Abatement District Law" to update the law which had not undergone a comprehensive review since 1939. The working group agreed to maintain the method of appointing trustee boards, but changed the method for increasing or decreasing the size of boards. Due to the rewrite in 2002, current law authorizes a board of trustees to change a board's size by directing a county board of supervisors to increase or decrease the number of trustees representing the unincorporated area of the county. The working group rejected draft language that would have allowed the underlying city councils and county board of supervisors to trigger changes in the size of the board of trustees.

- 2) **Bill Summary.** Existing law establishes an appointment process for a mosquito abatement and vector control district, which must be done within 30 days of the effective date of formation. Each district must have at least five trustees; however the appointment process established by current law determines city and county appointments based on the territory contained in the district. If a district includes a part of a city or county, that respective governing body is authorized to make an appointment. This leads to a large variation in the size of a mosquito abatement and vector control district board of trustees.

This bill establishes an appointment process for a newly formed mosquito and vector control district that has all of the following characteristics: a) the district is located in a single county; b) the district contains incorporated territory, including *every city* in the county; and, c) the district contains unincorporated territory. Under the appointment process established by this bill, the county board of supervisors may appoint one person to the board of trustees, and the city selection committee to appoint *up to* the total number of trustees as there are incorporated cities within the county.

- 3) **Author's Statement.** According to the author, "Unlike most special districts, which are typically governed by five-member boards, mosquito abatement districts can have very large governing boards due to this structural appointment process. For instance, in San Mateo County there are 20 incorporated cities, and in Orange County there are 34 cities. The addition of one representative from the board of supervisors results in a very large board composition for these counties – 21 members in San Mateo and 35 in Orange County.

"This existing appointment process is suitable for some mosquito and vector control districts that are smaller in size; however, the over 50 mosquito districts throughout the state are all different. Large boards are more difficult to manage efficiently and less transparent. Appointees to a mosquito district board serve either two or four year terms, calling for regular reappointments or replacements. Many cities struggle to identify and vet candidates in a timely manner from a small pool of individuals. This results in consistent vacancies and significant turnover.

"AB 1362 would grant a mosquito abatement district which has countywide boundaries the option to utilize its existing city selection committee to appoint Trustees to the district, rather than each city council doing so independently. This reduces pressure on each individual city to appoint a representative, and increases collaboration between neighboring cities by authorizing the city selection committee to make shared decisions on local governance. Additionally, AB 1362 would provide the city selection committee with the ability to determine the size of the mosquito district board. This process adds an additional level of oversight and accountability to the appointment process, while retaining the city councils' authority to appoint members. Other benefits include reducing the costs associated with meeting expenses and stipends for each member's service, streamlining board communication, reducing duplicative work, and providing more transparency on the Board's representation and decision-making."

- 4) **Policy Considerations.** The Committee may wish to consider the following in order to better align the Author's stated intent with the language contained in the bill:
- a) If the author's intent is to provide mosquito abatement and vector control districts with the option to use a city selection committee process to determine city appointments, the Committee may wish to make the provisions of this bill clearly permissive.
 - b) If the author's intent is to allow existing districts to use this new appointment method, then the Committee may wish to make that clear in the provisions of the bill.
 - c) If the author's intent is to allow for a decrease in the size of an existing board of trustees, the Committee may wish to consider the following:

- i) What will the process be to determine if a city selection committee will make the city appointments and which governing body will make that determination? Current law grants flexibility to a board of trustees to change the size of a board by ordering an increase or decrease to the number of trustees representing the unincorporated area of a county. The author may wish to consider the role trustee boards should have in determining the size of their board given this provision in current law.
 - ii) Will there be adequate representation among cities? The Committee may wish to ensure that there will be adequate representation among all cities, especially if the number of city appointments is less than the number of cities within the district. The city selection committee process for some special districts requires appointments to alternate between cities or guarantees seats among geographic groupings to ensure diverse and fair representation.
 - iii) Is there evidence of a statewide problem? This bill affects districts that are located in a single county and contain incorporated territory, including *every city* within the county, and unincorporated territory. There are an estimated 10 districts in the state in this category.
- 5) **Prior Legislation.** AB 991 (Devore) of 2005 would have reduced the size of the Orange County Vector Control District's board of trustees to 11 members, and would have required the Orange County Board of supervisors to appoint one trustee and the Orange County City Selection Committee to appoint ten members, as specified. AB 991 failed passage in this Committee.
- 6) **Arguments in Support.** According to Supervisor Don Horsley, "In San Mateo County, the existing countywide mosquito abatement district is comprised of 21 members – one representative from the Board of Supervisors and one representative from each of the 20 cities in the county. This is a very large board that can be difficult to manage and challenging for each jurisdiction to keep consistently filled with trustees. For instance, our board currently has four vacant seats. In addition, the recent history of the San Mateo County Mosquito District proved that a larger board does not necessarily offer greater oversight. Rather than completely overhauling the governance structure of this special district, creating the option of having a more focused representative board could produce a more effective management tool. In San Mateo County, I believe the appointment process outlined in AB 1362 would be a good fit for the board of trustees of the mosquito and vector control district."
- 7) **Arguments in Opposition.** According to the Mosquito and Vector Control Association of California, "The nexus of this proposal is reported to come from San Mateo County's concerns with the size of its district's board of trustees. However, as a statewide association comprised of over 60 member agencies, including many large urban districts with diverse populations, our members have not raised concerns as to the size of their board of trustees. In fact, 2015 marks the centennial anniversary of the creation of mosquito control districts in California, and we believe that the addition of a city selection process for trustee appointments is not necessary. As we continue to work with you on your concerns related by the San Mateo County Board of Supervisors, we believe that the issues in that specific county and district should be addressed on their own, as opposed to opening a governance structure that would be statewide."

REGISTERED SUPPORT / OPPOSITION:

Support

Supervisor Don Horsley, San Mateo County, 3rd District

Trustee Joe Galligan, San Mateo County Mosquito and Vector Control District

Opposition

Mosquito and Vector Control Association of California

Individual letter

Analysis Prepared by: Misa Lennox / L. GOV. / (916) 319-3958



January 5, 2016

The Honorable Richard Gordon
California State Assembly
State Capitol, Room 3013
Sacramento, CA 95814

Re: AB 1362 (Gordon) – Mosquito Abatement District Boards – Oppose

Dear Assemblyman Gordon:

Thank you for the opportunity to review and discuss your AB 1362, which would allow certain counties to change their process for nominating trustees to their local mosquito and vector control district boards. While we appreciate your concern that such boards can be large, we believe this legislation is not warranted and unnecessarily opens the Mosquito Abatement and Vector Control District Law (Health and Safety Code, § 2000 et seq.), a longstanding state law that has provided diverse geographic and demographic representation amongst our member districts' boards of trustees. As such, **we must respectfully oppose the bill currently in print.**

Per longstanding state statute, each independent special district of the Mosquito and Vector Control Association of California (MVCAC) has a board of trustees that is charged with the oversight and governance of the district. AB 1362 would change the appointments process to allow counties with only one mosquito and vector control district that is entirely bound by a county border to adopt a city selection process to name the board of trustees. The nexus of this proposal is reported to come from San Mateo County's concerns with the size of its district's board of trustees. However, as a statewide association comprised of over 60 member agencies, including many large urban districts with diverse populations, our members have not raised concerns as to the size of their board of trustees. In fact, 2015 marks the centennial anniversary of the creation of mosquito control districts in California, and we believe that the addition of a city selection process for trustee appointments is not necessary.

AB 1362 would provide that in affected counties, the board of supervisors would appoint one trustee and then the city selection committee would appoint up to the total number of trustees as there are incorporated cities. City selection committees are county entities comprised of mayors from each city in the county. The MVCAC is concerned that there is no guarantee that the appointments will provide equitable geographic representation

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to all cities in the county, in that some cities might not receive representation on a board of trustees.

Additionally, the size of boards might not be alleviated under this bill if the net effect is to maintain one supervisorial appointee and then the equivalent numbers of trustees as there are cities. For example, Orange County would have no decrease in the total number of trustees, and simultaneously smaller cities with governments with fewer resources than large cities with full-time council staff could be disadvantaged in the selection process.

As we continue to work with you on your concerns related by the San Mateo County Board of Supervisors, we believe that the issues in that specific county and district should be addressed on their own, as opposed to opening a governance structure that would be statewide. It is also unclear in the current version of the bill how applicable counties would elect to use this process, as you have indicated it should be an optional tool for local boards of supervisors to use should they see fit. The current proposed language mirrors current state statute on the composition of specific counties, and the intent to consider an optional process via a city selection committee should be clarified.

For these reasons, we must oppose AB 1362 as it is currently in print.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward P. Manning". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Manning

CC: Misa Lennox, Assembly Local Government Committee