

AMENDED IN ASSEMBLY JUNE 12, 2002

SENATE BILL

No. 1329

Introduced by Senator Chesbro

January 30, 2002

~~An act to amend Section 24011 of the Government Code, relating to county officers.~~ *An act to amend Sections 24011 and 76224 of the Government Code, to add Section 71.75 to the Harbors and Navigation Code, to amend Section 96.6 of the Revenue and Taxation Code, and to amend Section 22710 of the Vehicle Code, relating to counties, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1329, as amended, Chesbro. County offices.

Existing

(1) *Existing* law requires specified county offices, including public administrator, to be elective unless the voters of the county adopt a proposal making an office appointive. Other county offices are appointive. Special authorization is given to the Boards of Supervisors of Glenn, Lake, Madera, Mendocino, Solano, Trinity, and Tuolumne Counties to adopt an ordinance making the office of public administrator appointive and to separate the office of public administrator from consolidated offices at any time in order to make the appointment.

This bill would extend to the Board of Supervisors of Sonoma County the same authority possessed by the board of supervisors of those specified counties.

(2) *Existing* law allows the Department of Boating and Waterways and the County of Sonoma to renegotiate a specified loan.

This bill would require the department to suspend collections until those negotiations are completed, as specified.

(3) Existing law requires deposits of specified surcharges into certain funds for courthouse and criminal justice facilities construction established in Merced County for 30 years.

This bill would similarly require deposit of those surcharges in Sonoma County.

(4) The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities. Existing law also authorizes a redevelopment plan adopted pursuant to that law to provide for an allocation to the relevant redevelopment agency of a portion of those ad valorem property tax revenues derived with respect to a redevelopment project. Existing property tax law also establishes certain parameters with respect to the subtraction of a redevelopment agency's share of ad valorem property tax revenues from those revenues otherwise allocated to other local jurisdictions within a redevelopment project area.

This bill would clarify the process by which incremental property tax revenues to be allocated to a redevelopment agency are withdrawn from those revenue shares allocated to other local jurisdictions in a redevelopment project area in the County of Stanislaus. This bill also would deem to be correct any apportionment of property tax revenues made for any fiscal year prior to the effective date of the bill that is inconsistent with the clarifications made by this bill.

(5) Existing law allows a county to establish a service authority for the abatement of abandoned vehicles. Existing law requires the Department of Motor Vehicles to establish guidelines for abandoned vehicle abatement programs that include, among other guidelines, a requirement that each service authority that receives moneys from the Abandoned Vehicle Trust Fund, a continuously appropriated fund, report annually to the Controller.

This bill would authorize the Controller, notwithstanding these reporting requirements, to allocate to the County of Humboldt and the cities within that county abandoned vehicle abatement funds for calendar years 2000 and 2001. By liberalizing the conditions under which the Controller may allocate funds from the Abandoned Vehicle Trust Fund, this bill would make an appropriation.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.



The people of the State of California do enact as follows:

1 SECTION 1. Section 24011 of the Government Code is
2 amended to read:

3 24011. Notwithstanding the provisions of Section 24009:

4 (a) The Boards of Supervisors of Glenn County, Lake County,
5 Madera County, Mendocino County, Solano County, Sonoma
6 County, Trinity County, and Tuolumne County may, by ordinance,
7 provide that the public administrator shall be appointed by the
8 board.

9 (b) The Boards of Supervisors of Lake County, Madera
10 County, Mendocino County, Trinity County, and Tuolumne
11 County may appoint the same person to the offices of public
12 administrator, veteran service officer, and public guardian. The
13 ~~Board~~ Boards of Supervisors of Glenn County, Solano County,
14 and Sonoma County may, by ordinance, appoint the same person
15 to the offices of public administrator and public guardian.

16 (c) The Boards of Supervisors of Glenn County, Lake County,
17 Madera County, Mendocino County, Trinity County, and
18 Tuolumne County may separate the consolidated offices of district
19 attorney and public administrator at any time in order to make the
20 appointments permitted by this section. Upon approval by the
21 board of supervisors, the officer elected to these offices at any time
22 may resign, or decline to qualify for, the office of public
23 administrator without resigning from, or declining to qualify for,
24 the office of district attorney.

25 (d) The Board of Supervisors of Sonoma County may separate
26 the office of public administrator from other consolidated offices
27 at any time in order to make the appointments permitted by this
28 section. Upon approval by the Board of Supervisors of Sonoma
29 County, the officer elected to the office of public administrator at
30 any time may resign, or decline to qualify for, the office of public
31 administrator without resigning from, or declining to qualify for,
32 the offices of county clerk, recorder, and assessor.

33 SEC. 2. *Section 76224 of the Government Code is amended*
34 *to read:*

35 76224. Deposits to the Courthouse Construction Fund
36 established in Merced *or* Sonoma County pursuant to Section
37 76100 and the Criminal Justice Facilities Construction Fund
38 established in Merced *or* Sonoma County pursuant to Section



1 76101 shall continue through and including the 30th year after the
2 initial year in which the surcharge is collected or the 30th year after
3 any borrowings are made for any construction under those
4 sections, whichever comes later.

5 *SEC. 3. Section 71.75 is added to the Harbors and Navigation*
6 *Code, to read:*

7 *71.75. (a) Notwithstanding the provisions of the existing loan*
8 *agreement between the department and the County of Sonoma*
9 *relating to the Spud Point Marina referred to in Section 71.7, the*
10 *department shall suspend collection of all loan and interest*
11 *payments, penalties, and accrual of further interest and penalties*
12 *under that loan agreement until July 1, 2005, or any earlier date*
13 *to which the County of Sonoma and the Department of Boating and*
14 *Waterways may agree.*

15 *(b) The Legislature finds and declares that the County of*
16 *Sonoma and the Department of Boating and Waterways are*
17 *engaged in good faith negotiations in an effort to resolve their*
18 *dispute as to the outstanding debt owed by the county to the*
19 *department and an additional extension will provide the parties*
20 *with the time to complete their negotiations.*

21 *SEC. 4. Section 96.6 of the Revenue and Taxation Code is*
22 *amended to read:*

23 *96.6. (a) Notwithstanding any other provision of law, for the*
24 *purposes of this chapter, the apportionment of property tax*
25 *revenues required by Article 1 (commencing with Section 95) to*
26 *Article 4 (commencing with Section 98), inclusive, shall not*
27 *involve the subtraction of the redevelopment increment,*
28 *calculated pursuant to subdivision (b) of Section 33670 of the*
29 *Health and Safety Code, from any jurisdiction that is not within the*
30 *boundaries of a redevelopment project area. For each fiscal year,*
31 *if, in performing the calculations set forth in subdivision (a) and*
32 *in subdivision (b) of Section 33670 of the Health and Safety Code,*
33 *the auditor determines that there is redevelopment increment to be*
34 *allocated to a redevelopment agency, the auditor shall withdraw*
35 *that redevelopment increment determined pursuant to Section*
36 *33670 of the Health and Safety Code from those ad valorem*
37 *property tax revenue allocations to be made to each jurisdiction*
38 *within the boundaries of the relevant redevelopment project area.*
39 *Each of those jurisdiction's share of that redevelopment increment*
40 *shall be computed on the basis of the factors or rates which are*



1 developed pursuant to Section 96.5. In order to determine each
2 jurisdiction's share of that redevelopment increment, the factors or
3 rates for all tax rate areas that are part of a redevelopment project
4 shall be applied to the current assessed value of the taxable
5 property within the redevelopment project area, less the assessed
6 valuation on the assessment roll last equalized prior to the effective
7 date of the ordinance establishing the redevelopment project.
8 Nothing in this section shall be construed as prohibiting a county
9 from making the allocation and payment of funds as provided for
10 by subdivision (b) of Section 33670 of the Health and Safety Code
11 prior to the apportionment of property tax revenues to any
12 jurisdiction.

13 (b) The amendment of subdivision (a) made by the act adding
14 this subdivision does not constitute a change in, but is declaratory
15 of, existing law. However, any apportionment of property tax
16 revenues made prior to the effective date of the act adding this
17 subdivision that is inconsistent with the provisions of subdivision
18 (a), as amended by the act adding this subdivision, shall be deemed
19 correct.

20 (c) (1) *For the 2001–02 fiscal year, and each succeeding fiscal*
21 *year thereafter, if the auditor of the County of Stanislaus*
22 *determines that the withdrawal of the redevelopment increment*
23 *from jurisdictions within the boundaries of the relevant*
24 *redemption project area, on a project area basis as outlined in*
25 *subdivision (a), results in jurisdictions receiving larger*
26 *allocations of taxes than they otherwise would have received in the*
27 *absence of redevelopment, the auditor may then determine if there*
28 *is a redevelopment increment on a tax rate area basis and make*
29 *withdrawals of the redevelopment increment from jurisdictions on*
30 *a tax rate area basis to ensure that tax allocations to jurisdictions*
31 *in the relevant redevelopment project are consistent with*
32 *constitutional provisions and court rulings requiring that tax*
33 *allocations to jurisdictions may never be more than they otherwise*
34 *would have received without redevelopment.*

35 (2) *Any apportionment of property tax revenues made prior to*
36 *January 1, 2003, that is inconsistent with this subdivision shall be*
37 *deemed correct.*

38 SEC. 5. *Section 22710 of the Vehicle Code, as amended by*
39 *Chapter 175 of the Statutes of 2001, is amended to read:*



1 22710. (a) A service authority for the abatement of
2 abandoned vehicles may be established, and a one dollar (\$1)
3 vehicle registration fee imposed, in any county if the board of
4 supervisors of the county, by a two-thirds vote, and a majority of
5 the cities having a majority of the incorporated population within
6 the county have adopted resolutions providing for the
7 establishment of the authority and imposition of the fee. The
8 membership of the authority shall be determined by concurrence
9 of the board of supervisors and a majority vote of the majority of
10 the cities within the county having a majority of the incorporated
11 population.

12 (b) The authority may contract and may undertake any act
13 convenient or necessary to carry out any law relating to the
14 authority. The authority shall be staffed by existing personnel of
15 the city, county, or county transportation commission.

16 (c) (1) Notwithstanding any other provision of law, a service
17 authority may adopt an ordinance establishing procedures for the
18 abatement, removal, and disposal, as public nuisances, of any
19 abandoned, wrecked, dismantled, or inoperative vehicles or parts
20 thereof from private or public property; and for the recovery,
21 pursuant to Section 25845 or 38773.5 of the Government Code, or
22 assumption by the service authority, of costs of administration and
23 that removal and disposal. The actual removal and disposal of
24 vehicles shall be undertaken by an entity that may be a county or
25 city or the department, pursuant to contract with the service
26 authority as provided in this section.

27 (2) The money received by an authority pursuant to Section
28 9250.7 and this section shall be used only for the abatement,
29 removal, and disposal as public nuisances of any abandoned,
30 wrecked, dismantled, or inoperative vehicles or parts thereof from
31 private or public property.

32 (d) (1) An abandoned vehicle abatement program and plan of
33 a service authority shall be implemented only with the approval of
34 the county and a majority of the cities having a majority of the
35 incorporated population.

36 (2) The department shall provide guidelines for abandoned
37 vehicle abatement programs. An authority's abandoned vehicle
38 abatement plan and program shall be consistent with those
39 guidelines, and shall provide for, but not be limited to, an estimate
40 of the number of abandoned vehicles, a disposal and enforcement



1 strategy including contractual agreements, and appropriate fiscal
2 controls.

3 The department's guidelines provided pursuant to this
4 paragraph shall include, but not be limited to, requiring each
5 service authority receiving funds from the Abandoned Vehicle
6 Trust Fund to report to the Controller on an annual basis pursuant
7 to subdivision (c) of Section 9250.7, in a manner prescribed by the
8 department, and pursuant to an approved abandoned vehicle
9 abatement program. The report shall be submitted to the
10 Controller not later than 90 calendar days following the end of the
11 previous quarter.

12 (3) After a plan has been approved pursuant to paragraph (1),
13 the service authority shall, not later than August 1 of the year in
14 which the plan was approved, submit it to the department for
15 review, and the department shall, not later than October 1 of that
16 same year, either approve the plan as submitted or make
17 recommendations for revision. After the plan has received the
18 department's approval as being consistent with the department's
19 guidelines, the service authority shall, not later than January 1 of
20 the following year, submit it to the Controller.

21 (4) Except as provided in subdivision (e), the Controller shall
22 make no allocations for a calendar year to a service authority for
23 which an approved plan was not received on or before January 1
24 of that year, or when a county has failed to provide its annual report
25 as required in paragraph (2).

26 (5) No governmental agency shall receive any funds from a
27 service authority for the abatement of abandoned vehicles
28 pursuant to an approved abandoned vehicle abatement program
29 unless the governmental agency has submitted an annual report to
30 the service authority stating the manner in which the funds were
31 expended, and the number of vehicles abated. The governmental
32 agency shall receive that percentage of the total funds collected by
33 the service authority that is equal to its share of the formula
34 calculated pursuant to paragraph (6).

35 (6) Each service authority shall calculate a formula for
36 apportioning funds to each governmental agency that receives
37 funds from the service authority and submit that formula to the
38 Controller with the annual report required pursuant to paragraph
39 (2). The formula shall apportion 50 percent of the funds received
40 by the service authority to a governmental agency based on the



1 percentage of vehicles abated by that governmental agency of the
2 total number of abandoned vehicles abated by all member
3 agencies, and 50 percent based on population and geographic area,
4 as determined by the service authority. When the formula is first
5 submitted to the Controller, and each time the formula is revised
6 thereafter, the service authority shall include a detailed
7 explanation of how the service authority determined the
8 apportionment between per capita abatements and service area.

9 (7) *Notwithstanding any other provision of this subdivision, the*
10 *Controller may allocate to the service authority in the County of*
11 *Humboldt the net amount of the abandoned vehicle abatement*
12 *funds received from the fee imposed by that authority, as described*
13 *in subdivision (b) of Section 9250.7, for calendar years 2000 and*
14 *2001.*

15 (e) Any plan that has been submitted to the Controller pursuant
16 to subdivision (d) may be revised pursuant to the procedure
17 prescribed in that subdivision, including compliance with any
18 dates described therein for submission to the department and the
19 Controller, respectively, in the year in which the revisions are
20 proposed. Compliance with that procedure shall only be required
21 if the revisions are substantial. A service authority that is newly
22 formed and has not complied with subdivision (d) may so comply
23 after the dates specified in subdivision (d) by submitting an
24 approved plan on or before those dates in the year in which the plan
25 is submitted.

26 (f) For purposes of this section, “abandoned vehicle
27 abatement” means the removal of a vehicle from public or private
28 property by towing or any other means after the vehicle has been
29 marked as abandoned by an official of a governmental agency that
30 is a member of the service authority.

31 (g) A service authority shall cease to exist on the date that all
32 revenues received by the authority pursuant to this section and
33 Section 9250.7 have been expended.

34 *SEC. 6. The Legislature finds and declares that a special law*
35 *is necessary and that a general law cannot be made applicable*
36 *within the meaning of Section 16 of Article IV of the California*
37 *Constitution because of unique circumstances in ~~Sonoma County~~*
38 *Humboldt, Sonoma, and Stanislaus Counties.*

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