

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 419

Introduced by Assembly Member Caballero

February 23, 2009

~~An act to add Section 6525.1 to the Government Code, relating to joint powers agreements. An act to amend Sections 57000, 57132, and 57132.5 of the Government Code, relating to local government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 419, as amended, Caballero. ~~Joint powers agreements: water utilities. Local government: change of organization or reorganization: elections.~~

Existing law requires a local agency formation commission to inform a board of supervisors or a city council when the commission makes a determination that will require an election to be conducted by that board or council, and requires the board of supervisors or the city council to direct the elections official to conduct the necessary election, as specified.

This bill would require the board of supervisors or the city council to take action, to order and place the item on the ballot, within 45 days of notification by the local agency formation commission, and would require the elections official to place the item on the ballot at the next regular election if the board of supervisors or the city council fails to take action within 45 days of the notification. This bill would also make conforming changes.

~~Existing law, the Joint Exercise of Powers Act, authorizes a public agency, which is defined as a federal, state, or local governmental agency, a public corporation, or a district or a regional transportation~~

commission, to enter into an agreement for the joint exercise of powers and to create an agency or entity that is separate from the parties to the agreement.

This bill would authorize a water utility that is regulated by the Public Utility Commission to enter into a joint powers agreement with one or more public agencies and other water suppliers, if the purpose of the joint powers agreement pertains to regional or local water management.

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

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

1 SECTION 1. Section 57000 of the Government Code is
2 amended to read:

3 57000. (a) After adoption of a resolution making
4 determinations by the commission pursuant to Part 3 (commencing
5 with Section 56650), protest proceedings for a change of
6 organization or reorganization not described in Section 57077 shall
7 be taken pursuant to this part.

8 (b) If a proposal is approved by the commission, with or without
9 amendment, wholly, partially, or conditionally, the commission
10 shall conduct proceedings in accordance with this part. The
11 proceedings shall be conducted and completed pursuant to those
12 provisions that are applicable to the proposal and the territory
13 contained in the proposal as it is approved by the commission. If
14 the commission approves the proposal with modifications or
15 conditions, proceedings shall be conducted and completed in
16 compliance with those modifications or conditions.

17 (c) Any reference in this part to the commission also means the
18 executive officer for any function that the executive officer will
19 perform pursuant to a delegation of authority from the commission.

20 (d) When the commission makes a determination pursuant to
21 this division that will require an election to be conducted, it shall
22 inform the board of supervisors *and the elections official of the*
23 *affected county*, or the city council *and the elections official of the*
24 *affected city of that determination and request the board or the city*
25 *council to direct the elections official to conduct the necessary*
26 *election.*

27 (e) (1) When a board of supervisors or a city council is informed
28 by the commission that a determination has been made that requires

1 an election, it shall, *within 45 days of receipt of the notification,*
2 direct the elections official to conduct the necessary election. The
3 board or council shall do all of the following:

4 ~~(1)~~

5 (A) Call, provide for, and give notice of a special election or
6 elections upon that question.

7 ~~(2)~~

8 (B) Fix a date of election.

9 ~~(3)~~

10 (C) Designate precincts and polling places.

11 ~~(4)~~

12 (D) Take any other action necessary to call, provide for, and
13 give notice of the special election or elections and to provide for
14 the conduct and the canvass of returns of the election, as
15 determined by the commission.

16 (2) *If, within 45 days of receipt of the notification, the board of*
17 *supervisors or the city council fails to direct the elections official*
18 *to conduct the election pursuant to paragraph (1), the elections*
19 *official shall place the item on the ballot for the next regular*
20 *election.*

21 (3) *This subdivision shall not apply to any application filed with*
22 *a commission prior to January 1, 2011.*

23 (f) Any provision in this part that requires that an election be
24 called, held, provided for, or conducted shall mean that the
25 procedures specified in subdivisions (d) and (e) shall be followed.

26 *SEC. 2. Section 57132 of the Government Code is amended to*
27 *read:*

28 57132. The election on the question of the change of
29 organization or reorganization shall be called *pursuant to Section*
30 *57000* and held on the next regular election date occurring at least
31 88 days after the date upon which the resolution calling the election
32 was adopted. This section does not apply to any election conducted
33 solely by mailed ballot pursuant to Chapter 1 (commencing with
34 Section 4000) of Division 4 of the Elections Code.

35 *SEC. 3. Section 57132.5 of the Government Code is amended*
36 *to read:*

37 57132.5. Notwithstanding Section 57132, the election on the
38 question of a special reorganization shall be called *pursuant to*
39 *Section 57000* and held at the next regular primary or general

1 election occurring in an even-numbered year at least 88 days after
2 the date on which the resolution calling the election was adopted.

3 SECTION 1. Section 6525.1 is added to the Government Code,
4 to read:

5 ~~6525.1. Notwithstanding any other provision of law, a water~~
6 ~~utility that is regulated by the Public Utilities Commission may~~
7 ~~enter into a joint powers agreement with one or more public~~
8 ~~agencies and other water suppliers, if the purpose of the joint~~
9 ~~powers agreement pertains to regional or local water management,~~
10 ~~including, but not limited to, water supply, water or wastewater~~
11 ~~treatment, or water distribution.~~