

AMENDED IN SENATE JUNE 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1217

Introduced by Assembly Member Daly

February 27, 2015

An act to add Section 6538 to the Government Code, relating to joint powers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, as amended, Daly. Orange County Fire Authority.

Existing law authorizes 2 or more public agencies, by agreement, to form a joint powers authority to exercise any power common to the contracting parties, as specified. Existing law authorizes the agreement to set forth the manner by which the joint powers authority will be governed. Existing law authorizes the board of supervisors of any county to contract with any local agency within the county or with the state for services relating to the prevention and suppression of fires.

This bill would, as of January 1, ~~2018~~, 2017, require the Board of Directors of the Orange County Fire Authority, a joint powers agency, to consist of 13 members, each serving a term of 2 years. The bill would create the Orange County Fire Authority City Selection Committee to select ~~10~~ 11 of those board members from cities that contract with the authority for fire protection services, as specified. The bill would additionally require ~~3~~ 2 of the members of the Board of Directors of the Orange County Fire Authority to be members of the board of supervisors of the County of ~~Orange~~. *Orange, as specified.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Orange County Fire Authority.

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 6538 is added to the Government Code,
 2 to read:
 3 6538. (a) Notwithstanding any other law and notwithstanding
 4 the provisions of the joint powers agreement governing the Orange
 5 County Fire Authority, on and after January 1, ~~2018~~, 2017, the
 6 Board of Directors of the Orange County Fire Authority shall be
 7 composed of 13 members, as follows:
 8 ~~(1) (A) (i) One member from each of the five supervisorial~~
 9 ~~districts of the County of Orange, elected by the Orange County~~
 10 ~~Fire Authority City Selection Committee on a population weighted~~
 11 ~~voting basis.~~
 12 ~~(ii) One member from each of the five supervisorial districts of~~
 13 ~~the County of Orange, elected by the Orange County Fire Authority~~
 14 ~~City Selection Committee on a “one city, one vote” basis.~~
 15 ~~(B) A city that is within more than one supervisorial district~~
 16 ~~shall be considered part of the district where the highest percentage~~
 17 ~~of the city’s population resides. Under this circumstance, the entire~~
 18 ~~city’s population shall be used for population-weighted voting~~
 19 ~~purposes.~~
 20 ~~(C) Members elected pursuant to this paragraph shall be a mayor~~
 21 ~~or a city council member of a city within the County of Orange,~~
 22 ~~and shall serve for a term of two years. A member elected pursuant~~
 23 ~~to this paragraph whose term on the city council or as mayor ends~~
 24 ~~shall also cease to serve as a member of the board.~~
 25 ~~(D) The Orange County Fire Authority City Selection~~
 26 ~~Committee shall consist of either the mayor or a member of the~~
 27 ~~city council of each city that contracts with the Orange County~~
 28 ~~Fire Authority for fire protection services.~~
 29 *(1) Four members from cash contract cities selected as follows:*
 30 *(A) One member appointed by the legislative body of the cash*
 31 *contract city with the largest population.*
 32 *(B) One member selected by the Orange County Fire Authority*
 33 *City Selection Committee on a one-city-one-vote basis determined*
 34 *by votes cast by cash contract cities only.*

1 (C) Two members selected by the Orange County Fire Authority
2 City Selection Committee on a population weighted election basis
3 by votes cast by cash contract cities only.

4 (2) Seven members from structural fire fund cities selected as
5 follows:

6 (A) One member appointed by the legislative body of the
7 structural fire fund city with the largest population.

8 (B) Two members elected by the Orange County Fire Authority
9 City Selection Committee from votes cast by representatives from
10 the following cities:

11 (i) The City of Cypress.

12 (ii) The City of La Palma.

13 (iii) The City of Los Alamitos.

14 (iv) The City of Villa Park.

15 (v) The City of Yorba Linda.

16 (C) Two members elected by the Orange County Fire Authority
17 City Selection Committee from votes cast by representatives from
18 the following cities:

19 (i) The City of Aliso Viejo.

20 (ii) The City of Dana Point.

21 (iii) The City of Laguna Hills.

22 (iv) The City of Laguna Niguel.

23 (v) The City of San Juan Capistrano.

24 (D) Two members elected by the Orange County Fire Authority
25 City Selection Committee from votes cast by representatives from
26 the following cities:

27 (i) The City of Laguna Woods.

28 (ii) The City of Lake Forest.

29 (iii) The City of Mission Viejo.

30 (iv) The City of Rancho Santa Margarita.

31 ~~(2) Three~~

32 (3) Two members of the board of supervisors of the County of
33 Orange, selected by the board of supervisors, to serve a term of
34 two years. The board of supervisors shall also select an alternate
35 member.

36 (b) (1) A city shall not have more than one member on the board
37 at any time, and shall not have a member on the board for more
38 than two consecutive terms.

39 (2) The members selected pursuant to subparagraphs (B) and
40 (C) of paragraph (1) of, and subparagraphs (B), (C), and (D) of

1 paragraph (2) of, subdivision (a) shall be selected by the Orange
2 County Fire Authority City Selection Committee, which shall be
3 comprised of one representative from each city that contracts with
4 the Orange County Fire Authority for fire services. A representative
5 shall be appointed by the legislative body of the city the
6 representative serves.

7 ~~(b)~~

8 (c) (1) Any member of the board serving as of the effective
9 date of this section shall continue to serve until January 1, ~~2018,~~
10 2017, or until the expiration of his or her term, whichever is sooner.

11 (2) Commencing January 1, 2017, and thereafter, the members
12 of the board shall each serve a term of two years.

13 (3) The board shall select a chair and a vice chair from within
14 the membership of the board.

15 (d) For purposes of this section, the following terms have the
16 following meanings:

17 (1) "Cash contract city" means a city that contracts for fire
18 services with the Orange County Fire Authority and utilizes funds
19 from that city's general fund to pay for those services.

20 (2) "Structural fire fund city" means a city that contracts for
21 fire services with the Orange County Fire Authority and utilizes
22 funds from that city's structural fire fund to pay for those services.

23 SEC. 2. The Legislature finds and declares that a special law
24 is necessary and that a general law cannot be made applicable
25 within the meaning of Section 16 of Article IV of the California
26 Constitution because of the challenges faced as a result of the
27 current governance structure of the Orange County Fire Authority.