

AMENDED IN SENATE JUNE 23, 2016

AMENDED IN SENATE JUNE 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1217**

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**Introduced by Assembly Member Daly**

February 27, 2015

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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, 2017, require~~ *would prohibit the composition of* 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 11 of those board members from cities that contract with the authority for fire protection services, as specified. The bill would additionally require 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, as specified.~~ *Authority from including alternate members.*

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. It is the intent of the Legislature to reevaluate the*  
2     *structure of the Board of Directors of the Orange County Fire*  
3     *Authority within a reasonable period from the effective date of this*  
4     *act to consider the effectiveness of the size and structure of the*  
5     *board.*

6     *SEC. 2. Section 6538 is added to the Government Code, to*  
7     *read:*

8     *6538. Notwithstanding any other law, the composition of the*  
9     *Board of Directors of the Orange County Fire Authority shall not*  
10    *include alternate members.*

11    *SEC. 3. The Legislature finds and declares that a special law*  
12    *is necessary and that a general law cannot be made applicable*  
13    *within the meaning of Section 16 of Article IV of the California*  
14    *Constitution because of the challenges faced as a result of the*  
15    *current governance structure of the Orange County Fire Authority.*

16    ~~SECTION 1. Section 6538 is added to the Government Code,~~  
17    ~~to read:~~

18    ~~6538. (a) Notwithstanding any other law and notwithstanding~~  
19    ~~the provisions of the joint powers agreement governing the Orange~~  
20    ~~County Fire Authority, on and after January 1, 2017, the Board of~~  
21    ~~Directors of the Orange County Fire Authority shall be composed~~  
22    ~~of 13 members, as follows:~~

23    ~~(1) Four members from cash contract cities selected as follows:~~

24    ~~(A) One member appointed by the legislative body of the cash~~  
25    ~~contract city with the largest population.~~

26    ~~(B) One member selected by the Orange County Fire Authority~~  
27    ~~City Selection Committee on a one-city-one-vote basis determined~~  
28    ~~by votes cast by cash contract cities only.~~

29    ~~(C) Two members selected by the Orange County Fire Authority~~  
30    ~~City Selection Committee on a population-weighted election basis~~  
31    ~~by votes cast by cash contract cities only.~~

32    ~~(2) Seven members from structural fire fund cities selected as~~  
33    ~~follows:~~

1 ~~(A) One member appointed by the legislative body of the~~  
2 ~~structural fire fund city with the largest population.~~

3 ~~(B) Two members elected by the Orange County Fire Authority~~  
4 ~~City Selection Committee from votes cast by representatives from~~  
5 ~~the following cities:~~

6 ~~(i) The City of Cypress.~~

7 ~~(ii) The City of La Palma.~~

8 ~~(iii) The City of Los Alamitos.~~

9 ~~(iv) The City of Villa Park.~~

10 ~~(v) The City of Yorba Linda.~~

11 ~~(C) Two members elected by the Orange County Fire Authority~~  
12 ~~City Selection Committee from votes cast by representatives from~~  
13 ~~the following cities:~~

14 ~~(i) The City of Aliso Viejo.~~

15 ~~(ii) The City of Dana Point.~~

16 ~~(iii) The City of Laguna Hills.~~

17 ~~(iv) The City of Laguna Niguel.~~

18 ~~(v) The City of San Juan Capistrano.~~

19 ~~(D) Two members elected by the Orange County Fire Authority~~  
20 ~~City Selection Committee from votes cast by representatives from~~  
21 ~~the following cities:~~

22 ~~(i) The City of Laguna Woods.~~

23 ~~(ii) The City of Lake Forest.~~

24 ~~(iii) The City of Mission Viejo.~~

25 ~~(iv) The City of Rancho Santa Margarita.~~

26 ~~(3) Two members of the board of supervisors of the County of~~  
27 ~~Orange, selected by the board of supervisors, to serve a term of~~  
28 ~~two years. The board of supervisors shall also select an alternate~~  
29 ~~member.~~

30 ~~(b) (1) A city shall not have more than one member on the~~  
31 ~~board at any time, and shall not have a member on the board for~~  
32 ~~more than two consecutive terms.~~

33 ~~(2) The members selected pursuant to subparagraphs (B) and~~  
34 ~~(C) of paragraph (1) of, and subparagraphs (B), (C), and (D) of~~  
35 ~~paragraph (2) of, subdivision (a) shall be selected by the Orange~~  
36 ~~County Fire Authority City Selection Committee, which shall be~~  
37 ~~comprised of one representative from each city that contracts with~~  
38 ~~the Orange County Fire Authority for fire services. A representative~~  
39 ~~shall be appointed by the legislative body of the city the~~  
40 ~~representative serves.~~

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

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

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

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

~~(1) “Cash contract city” means a city that contracts for fire services with the Orange County Fire Authority and utilizes funds from that city’s general fund to pay for those services.~~

~~(2) “Structural fire fund city” means a city that contracts for fire services with the Orange County Fire Authority and utilizes funds from that city’s structural fire fund to pay for those services.~~

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