

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1266

Introduced by Senator McGuire

February 18, 2016

An act to amend Section 6503.6 of, and to add Section 6503.8 to, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as amended, McGuire. Joint Exercise of Powers Act: agreements: filings.

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power, which is generally termed a joint powers agreement. When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, existing law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. Existing law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendments to the agreement, with the Controller.

This bill would require an agency or entity required to file documents with the Controller, as described above, ~~that includes a member that is a local agency and is~~ *meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services, and that includes a local agency member, as specified,* to also file a copy of the agreement or amendment ~~to the agreement with the local agency formation commission in each of the counties in each~~ county within which all or any part of a local agency

member's territory is located within 90 days after the effective date of the agreement or ~~amendment~~. *amendment to the agreement*. The bill would also require ~~a separate~~ *an* agency or entity that ~~is a~~ *meets the definition of a* joint powers authority or joint powers ~~agency and was constituted pursuant to a joint powers agreement that includes as a member a local agency and was entered into prior to January 1, 2017, and is responsible for the administration of the agreement,~~ *agency, as specified, that was formed for the purpose of providing municipal services prior to the effective date of this act, and that includes a local agency member, as specified,* to file a copy of the agreement *and any amendments to the agreement* with the local agency formation commission in each ~~of the counties in each~~ county within which all or any part of a local agency member's territory is located no later than July 1, 2017. ~~The bill would define the terms "local agency," "joint powers authority," and "joint powers agency" by reference to specified statutes for these purposes.~~

By requiring specified joint powers agencies to file certain documents with a local agency formation commission, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 6503.6 of the Government Code is
- 2 amended to read:
- 3 6503.6. When an agency or entity files a notice of agreement
- 4 or ~~amendment~~ *amendment to the agreement* with the office of the
- 5 Secretary of State pursuant to Section 6503.5, the agency or entity
- 6 shall file a copy of the full text of the original joint powers
- 7 agreement, and any ~~amendments~~ *amendment to the agreement,*
- 8 with the Controller. ~~If the agency or entity includes a member that~~
- 9 ~~is a local agency, as defined in Section 56054, and is a joint powers~~

1 ~~authority or joint powers agency, as defined in Section 56047.7,~~
 2 ~~the agency or entity~~ *An agency or entity that meets the definition*
 3 *of a joint powers authority or joint powers agency under Section*
 4 *56047.7 that was formed for the purpose of providing municipal*
 5 *services and that includes a local agency member that is a city,*
 6 *district, or county shall, within 90 days after the effective date of*
 7 *the agreement or amendment, amendment to the agreement, file*
 8 *a copy of the agreement or amendment to the agreement with the*
 9 *local agency formation commission in each county within which*
 10 *all or any part of a local agency member’s territory is located.*

11 SEC. 2. Section 6503.8 is added to the Government Code, to
 12 read:

13 6503.8. No later than July 1, 2017, ~~a separate~~ *an agency or*
 14 *entity that is a joint powers authority or joint powers agency, as*
 15 *defined in Section 56047.7, and was constituted pursuant to a joint*
 16 *powers agreement that includes as a member a local agency, as*
 17 *defined in Section 56054, and was entered into prior to January 1,*
 18 *2017, shall, as the agency responsible for the administration of the*
 19 *agreement, meets the definition of a joint powers authority or joint*
 20 *powers agency under Section 56047.7 that was formed for the*
 21 *purpose of providing municipal services prior to the effective date*
 22 *of this section, and that includes a local agency member that is a*
 23 *city, district, or county, shall cause a copy of the agreement and*
 24 *any amendments to the agreement to be filed with the local agency*
 25 *formation commission in each affected county. county within which*
 26 *all or any part of a local agency member’s territory is located.*

27 SEC. 3. If the Commission on State Mandates determines that
 28 this act contains costs mandated by the state, reimbursement to
 29 local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.