

Introduced by Senator RunnerFebruary 23, 2012

An act to amend Section 19418 of the Business and Professions Code, and to add Article 3.6 (commencing with Section 4165) to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural Code, relating to district agricultural associations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as introduced, Runner. 28th District Agricultural Association: joint powers agreement.

Existing law divides the state into agricultural districts within the boundaries of which agricultural associations may be formed. Existing law provides that District 28 is the County of San Bernardino.

This bill would authorize the 28th District Agricultural Association, with the consent of the Secretary of Food and Agriculture, to enter into a joint powers agreement for the purpose of creating a joint powers agency to operate, maintain, and improve the facilities and functions of the 28th District Agricultural Association. The bill would specify the powers of the joint powers agency, and would authorize it to accept the donation of, acquire, own, sell, or lease real property and to pledge its property or revenue for the sale of bonds to construct, equip, and furnish related facilities. The bill would permit employees of the 28th District Agricultural Association to make an election concerning employment with the joint powers agency, as provided. This bill would provide that the state is not liable for any debt of the joint powers agency.

Existing law authorizes a nonprofit organization or a joint powers agency that holds an annual fair, as specified, to elect to be a member of the network of California fairs on conditions mutually agreed upon

by the Department of Food and Agriculture and the nonprofit organization.

This bill would also provide that the joint powers agency for the 28th District Agricultural Association may elect to be a member of the network of California fairs on terms and conditions mutually agreed upon by the Department of Food and Agriculture and the joint powers agency.

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

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

1 SECTION 1. Section 19418 of the Business and Professions
2 Code is amended to read:

3 19418. (a) “State designated fairs,” referred to in this chapter
4 as fairs, means the California Exposition and State Fair in the City
5 of Sacramento and those fairs specified in Sections 19418.1,
6 19418.2, and 19418.3 that may receive financial support or are
7 otherwise governed pursuant to this chapter. These fairs may also
8 be referred to as part of the “network of California fairs.”

9 (b) A nonprofit organization that holds an annual fair pursuant
10 to Section 4163 of the Food and Agricultural Code may elect to
11 be a member of the network of California fairs on terms and
12 conditions mutually agreed upon by the Department of Food and
13 Agriculture and the nonprofit organization.

14 (c) A joint powers agency that holds an annual fair pursuant to
15 Section 4171 or 4165 of the Food and Agricultural Code may elect
16 to be a member of the network of California fairs on terms and
17 conditions mutually agreed upon by the Department of Food and
18 Agriculture and the joint powers agency.

19 SEC. 2. Article 3.6 (commencing with Section 4165) is added
20 to Chapter 6 of Part 3 of Division 3 of the Food and Agricultural
21 Code, to read:

22
23 Article 3.6. 28th District Agricultural Association
24

25 4165. (a) Notwithstanding any other provision of law, the 28th
26 District Agricultural Association, with the consent of the secretary,
27 may enter into a joint powers agreement pursuant to Chapter 5
28 (commencing with Section 6500) of Division 7 of Title 1 of the

1 Government Code for the purpose of creating a joint powers agency
2 to operate, maintain, and improve the facilities and functions of
3 the 28th District Agricultural Association. This joint powers
4 agency's duties shall include planning, designing, and constructing
5 real property improvements, including new construction, alteration,
6 extension, betterment, and repair, and purchasing fixed and
7 movable equipment related to the facilities and functions of the
8 28th District Agricultural Association.

9 (b) The joint powers agency may accept the donation of, acquire,
10 own, sell, or lease real property, and may pledge its property or
11 revenue for the sale of bonds to construct, equip, and furnish the
12 facilities, parking facilities, and any betterments, improvements,
13 and facilities related thereto.

14 (c) The joint powers agency may make and enter into contracts
15 and employ agents and employees. The joint powers agency may
16 manage, maintain, and operate the facilities, or may enter into
17 management contracts for the operation of the facilities. The
18 planning, designing, and constructing of these improvements, and
19 the agency's other duties, as specified in this section, shall be
20 undertaken in accordance only with those restrictions applicable
21 to the joint powers agency.

22 (d) Prior to the commencement of the joint powers agreement,
23 the parties to the agreement and the department shall ensure that
24 every employee in the civil service of the 28th District Agricultural
25 Association is provided with the option of continuing his or her
26 employment with the state, or of accepting a position as an
27 employee of the joint powers agency.

28 (1) With respect to an employee who chooses to continue his
29 or her employment with the state, the employee shall continue to
30 be subject to all of the provisions governing civil service
31 employees, and, additionally, all of the following shall apply:

32 (A) The joint powers agency shall contract with the department
33 for the services of the employee, consistent with his or her civil
34 service classification and status.

35 (B) The employee has the right to continue to provide services
36 to the joint powers agency pursuant to that contract during the time
37 the employee continues in the civil service classification he or she
38 held at the time of the employee's election.

39 (2) With respect to an employee who chooses to leave his or
40 her employment with the state and become an employee of the

1 joint powers agency, those employees are not employees of the
2 state, and are not subject to the requirements of Chapter 10.3
3 (commencing with Section 3512) and Chapter 10.5 (commencing
4 with Section 3525) of Division 4 of Title 1 of the Government
5 Code.

6 (3) If a position filled by a civil service employee pursuant to
7 contract with the department becomes vacant, the joint powers
8 agency may fill the position with a non-civil-service employee.

9 (e) If the joint powers agency contracts with another entity for
10 the operation or management of the facilities, the requirements of
11 subdivision (d) shall apply to the new entity prior to
12 commencement of any agreement.

13 (f) The State of California is not liable for any debts, liabilities,
14 settlements, liens, or any other obligations incurred by or imposed
15 upon the joint powers agency. The joint powers agreement executed
16 pursuant to this section shall expressly provide that the General
17 Fund and the Fair and Exposition Fund shall be held harmless from
18 all debts, liabilities, settlements, judgments, or liens incurred by
19 the joint powers agency, and that neither the state nor any agency
20 or division thereof shall be liable for any contract, tort, action or
21 inaction, error in judgment, mistake, or other act taken by the joint
22 powers agency, or any of its employees, agents, servants, invitees,
23 guests, or anyone acting in concert with, or on the behalf of, the
24 joint powers agency.