

OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

July 10, 1992

CITY HALL
ROOM 101
915 I STREET
SACRAMENTO, CA
95814-2684

PH 916-264-5704
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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: LEGISLATIVE ADVOCACY CONSULTANT SERVICES AGREEMENT

SUMMARY

The purpose of this report is to request Law and Legislation Committee approval to execute a Consultant Services Agreement with Mr. Kenneth J. Emanuels.

RECOMMENDATION

It is recommended that the Law and Legislation Committee approve the attached Resolution authorizing the City Manager to execute an agreement with Mr. Kenneth J. Emanuels for consultant services and forward it to the City Council for adoption.

BACKGROUND

In 1987, the City completed a formal proposal process which resulted in the selection of Ken Emanuels as the City's Legislative Advocate. The City has had agreements with Mr. Emanuels for the past 5 years. Agreement #91-102 expired June 30, 1992 while awaiting the approval of the City Manager's 1992-93 budget allocations. Since Mr. Emanuels' professional services during the last 5 years have been very helpful and productive, the City Manager requests that this agreement be renewed subject to approval by the City Council.

Services to be provided by the consultant are detailed in Attachment I of the proposed agreement. These include informing the City of newly introduced legislation, representing the City through regular contacts with the legislature, causing the introduction and passage of legislative bills sponsored by the City and working with City staff to procure targeted grants from State agencies. Consultant shall develop and periodically report on a mutually agreed upon workplan. Oversight of this workplan is the responsibility of the City Council Law and Legislation Committee.

FINANCIAL CONSIDERATIONS

The 1991-92 agreement provided for monthly payments to Mr. Emanuels totaling \$60,000. Usually a cost of living adjustment is included. However, with the approval of the City Manager's 1992-93 budget, the City Council accepted a 20% reduction in legislative representation costs. The proposed renewal agreement would be for an amount not to exceed \$48,000 for services through June 30, 1993. In addition, the City agrees to pay up to \$1,500 for computer bill tracking and legislative bill services. The \$49,500 is budgeted in the 1992-93 City Manager's budget.

POLICY CONSIDERATIONS

Due to the 20% reduction in legislation representative costs for the 1992-93 fiscal year, Mr. Emanuels has requested that the reduced fee be structured as a temporary reduction and that the City return to the 1991-92 amount of \$5,000 monthly as soon as feasible.

MBE/WBE

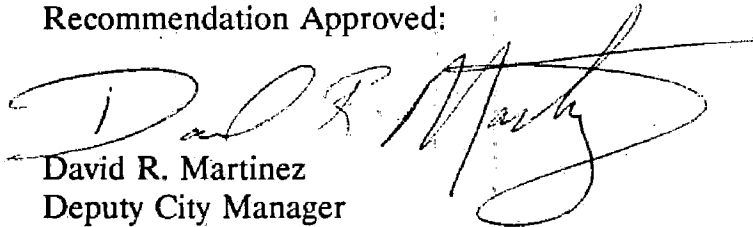
This ongoing agreement has not been rebid since the MBE/WBE policy has been in effect. The current consultant is not an MBE/WBE consultant.

Respectfully submitted,



Jack Crist
Deputy City Manager

Recommendation Approved:



David R. Martinez
Deputy City Manager

FOR LAW & LEGISLATION COMMITTEE MEETING OF: July 21, 1992

CONTACT FOR MORE INFORMATION:

Jack Crist
Deputy City Manager
264-5704

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MR. KENNETH J. EMANUELS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

That the City Manager is hereby authorized to execute a professional services agreement with Mr. Kenneth J. Emanuels for legislative advocacy services from July 1, 1992 to June 30, 1993, in an amount not to exceed \$48,000. In addition the City agrees to pay up to \$1,500 for computer bill tracking and legislative bill services.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

CITY OF SACRAMENTO

CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made at Sacramento, California, as of July 1, 1992, by and between the CITY OF SACRAMENTO, a municipal corporation ("City") and KENNETH J. EMANUELS ("Consultant"), who agree as follows:

1. Services. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in Exhibit A. Consultant shall provide said services at the time, place, and in the manner specified in Exhibit A. The Consultant shall not be compensated for services outside the scope of Exhibit A unless prior to the commencement of such services: (a) Consultant notifies the City that such service is deemed an additional service and Consultant estimates the additional compensation required for this activity; and (b) the City, after notice, approves the additional service and amount of compensation therefor.

2. Payment. City shall pay Consultant for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit B. The payments specified in Exhibit B shall be the only payments to be made to Consultant for services rendered pursuant to this Agreement unless pursuant to paragraph 1 above, City approves additional compensation for additional services. Consultant shall submit all billings for said services to City in the manner specified in Exhibit B; or, if no manner be specified in Exhibit B, then

according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

3. Facilities and Equipment. Except as set forth in Exhibit C, Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement. City shall furnish to Consultant only the facilities and equipment listed in Exhibit C according to the terms and conditions set forth in Exhibit C.

4. General Provisions. The general provisions set forth in Exhibit D, which include insurance requirements, are part of this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, this Agreement shall control over the general provisions.

5. City Representative. The City Representative specified in Exhibit A, or the representative's designee, shall administer this Agreement for the City.

6. Exhibits. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

7. It is understood by both parties that before any additional clients are retained by Mr. Kenneth J. Emanuels, he agrees to advise the Sacramento City Manager of his intentions. Either party may then terminate this Agreement, if desired.

Executed as of the day first stated.

CITY OF SACRAMENTO
A Municipal Corporation

Walter J. Slipe, City Manager

Kenneth J. Emanuels, Legislative Advocate

APPROVED AS TO FORM:

ATTEST:

Diane Ball
Dep City Attorney

City Clerk

Attachments:

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D

EXHIBIT A

CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT

REPRESENTATIVES AND SERVICES TO BE PROVIDED

BY KENNETH J. EMANUELS

1. Representatives:

The City Representative for this Agreement is:

<u>WALTER J. SLIPE</u>	<u>CITY MANAGER</u>	<u>916-264-5704</u>
(Name)	(Title)	(Telephone)

All consultant questions pertaining to this agreement will be referred to the above named person, or the representative's designee.

The Consultant Representative for this Agreement is:

<u>KENNETH J. EMANUELS</u>	<u>LEGISLATIVE ADVOCATE</u>	<u>916-444-6789</u>
(Name)	(Title)	(Telephone)

All City questions pertaining to this agreement will be referred to the above named person. All correspondence to the City will be addressed to:

CITY MANAGER'S OFFICE
915 I Street, Room 101
Sacramento, CA 95814
Attn: WALTER J. SLIPE

2. Services to be provided are specified below:
SEE ATTACHMENT I

EXHIBIT C

CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT

WITH: KENNETH J. EMANUELS

FACILITIES AND EQUIPMENT TO BE PROVIDED BY CITY

The City (will) (will not) furnish facilities or equipment for this Agreement. If facilities and equipment are to be furnished, specify below:

**The City will not furnish facilities or equipment for this agreement.
If occasional facilities or equipment are required by consultant,
arrangements may be made through the City Manager's Office.**

EXHIBIT B

CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT

WITH KENNETH J. EMANUELS

FEE SCHEDULE/MANNER OF PAYMENT

- The term of this contract is twelve (12) months, commencing July 1, 1992 and ending June 30, 1993.
- The City shall have the option to annually renew said contract with specific services and cost of such services to be renegotiated by the City Manager annually. Each annual contract renewal shall be subject to City Council approval if over \$25,000.
- The base contract amount is \$48,000 annualized, payable in monthly installments of \$4,000 upon receipt of a monthly invoice from consultant.
- Additionally, the City agrees to pay its pro rata share of actual costs incurred by consultant relating to legislative bill services used. These costs will be no more than \$1,500. These services shall be invoiced as used.
- Therefore, the total annual contract amount is \$48,000 plus \$1,500 or \$49,500.

Request for payment shall be sent to:

CITY MANAGER'S OFFICE

ATTN: CAREENE EZELL

915 I STREET, ROOM 101

SACRAMENTO, CA 95814

EXHIBIT D

GENERAL PROVISIONS

1. **Independent Contractor.** At all times during the term of this Contract, Consultant shall be an independent Contractor and shall not be an employee of the City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Contract; however, City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement.
2. **Licenses; Permits; Etc.** Consultant represents and warrants to City that he/she has all licenses, permits, City Business Operations Tax Certificate, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession.
3. **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of Consultant's obligations under this Agreement. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.
4. **Consultant Not Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.
5. **Assignment Prohibited.** No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.
6. **Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any person or persons assigned by Consultant to perform services pursuant to this Agreement, Consultant shall remove any such person immediately upon receiving notice from City of the desire of City for the removal of such person or persons.
7. **Standard Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in California. All products of whatsoever nature which Consultant delivers to City pursuant to this Agreement shall be prepared in a professional manner and conform to the standards of quality normally observed by a person practicing in Consultant's profession.

8. **Termination.** City shall have the right to terminate this Agreement at any time by giving notice of such termination to Consultant. In the event City shall give such notice of termination, Consultant shall immediately cease rendering services pursuant to this Agreement.

In the event City shall terminate this Agreement:

(1) Consultant shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing any form of communication or representation, including letter, works, pictures, drawings, sounds, or symbols, or combinations thereof.

(2) City shall have full ownership and control of all such writings delivered by consultant pursuant to this Agreement.

(3) City shall pay Consultant the reasonable value of services rendered by Consultant pursuant to this Agreement; provided, however, City shall not in any manner be liable for lost profits which might have been made by Consultant had Consultant completed the services required by this Agreement. In this regard, Consultant shall furnish to City such financial information as in the judgment of the City Representative is necessary to determine the reasonable value of the services rendered by Consultant. In the event of a dispute as to the reasonable value of the services rendered by Consultant, the decisions of the Director of the City Department administering this Agreement shall be final. The foregoing is cumulative and does not affect any right or remedy which City may have in law or equity.

9.* **Indemnity and Hold Harmless.** The Consultant shall indemnify and save harmless, the City, its officers, employees, and agents, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, and expenses of every type and description to which any or all of them may be subjected, by reason of, or resulting from, directly or indirectly, the performance of this contract by Consultant whether *or not caused in part by passive negligence or a party indemnified hereunder. The foregoing shall include, but not be limited to, any attorney fees reasonably incurred by city.

10. **Equal Employment Opportunity.** During the performance of this agreement, Consultant, for itself, its assignees and successors in interest, agrees as follows:

A. **Compliance with Regulations.** Consultant shall comply with the Executive Order 11246 entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60), hereinafter referred to as the "Regulations".

*Revised 1/27/89

B. Nondiscrimination. Consultant, with regard to the work performed by it after award and prior to completion of the work pursuant to this agreement, shall not discriminate on the ground of race, color, religion, sex, national origin, age, marital status, physical handicap or sexual preference in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Consultant shall not participate either directly or indirectly in discrimination prohibited by the Regulations.

C. Solicitations for Subcontractors, including Procurement of Materials and Equipment. In all solicitations either by competitive bidding or negotiations made by Consultant for work to be performed under any subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by Consultant of Consultant's obligation under this Agreement and the Regulations relative to nondiscrimination on the ground of race, color, religion, sex, national origin, age, marital status, physical handicap or sexual orientation.

D. Information and Reports. Consultant shall provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the City of Sacramento to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of Consultant is in the exclusive possession of another who fails or refuses to furnish this information, Consultant shall so certify to the City of Sacramento, and shall set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance. In the event of noncompliance by Consultant with the nondiscrimination provisions of this agreement, the City of Sacramento shall impose such contract sanctions as it may determine to be appropriate including, but not limited to:

- (1) Withholding of payments to Consultant under the contract until consultant complies;
- (2) Cancellation, termination, or suspension of the agreement, in whole or in part.

F. Incorporation of Provisions. Consultant shall include the provisions of Paragraphs A through E in every subcontract, including procurement of materials and leases of equipment, unless exempt by Regulations, order, or instructions issued pursuant thereto. Consultant shall take such action with respect to any Regulations, order or instructions issued pursuant thereto. Consultant shall take such action with respect to any subcontract or procurement as the City of Sacramento may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event Consultant becomes involved in, or is threatened with, litigation, Consultant may request City to enter such litigation to protect the interests of City.

11. **Insurance Requirements.** During the duration of this Agreement, Consultant shall maintain the following noted insurance:

Coverage	Required	Not Required
Broad Form Comprehensive Liability	X	
Business Auto Liability	X	
Workers' Compensation & Employers' Liability		X
Professional Liability (Errors and Omissions)		X

A. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:

- (1) Insurance Services Office form number GL 0404 (Broad Form Comprehensive General Liability);
- (2) Insurance Services Office form number CA 0001 (ed. 1/78) (Automobile Liability, code 1 "any auto");
- (3) Workers' Compensation as required by the Labor Code of the State of California, and Employers' Liability insurance;
- (4) Professional Liability (Errors and Omissions) insurance against loss due to error, omission or malpractice.

B. **Minimum Limits of Insurance.** Consultant shall maintain limits no less than:

- (1) Comprehensive General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
- (2) Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation and Employers' Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of \$1,000,000 per accident.
- (4) Professional Liability (Errors and Omission): \$ _____ combined single limit per occurrence.

C. **Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by the City.

D. Other Insurance Provisions. The policies are to contain, or be endorsed to contain, the following provisions:

(1) **General Liability and Automobile Liability Coverage**

a. The City, its officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of the Consultant; premises owned, leased or used by the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees or volunteers.

b. The Consultant's insurance coverage shall be primary insurance as respects the City, its officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officials, employees or volunteers shall be excess of Consultant's insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officials, employees or volunteers.

d. Coverage shall state that Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(2) **Workers' Compensation and Employers' Liability Coverage.** The insurer shall agree to waive all rights of subrogation against the City, its officials, employees and volunteers for losses arising from work performed by Consultant for the City. This requirement may, however, be waived in individual cases at the discretion of the City.

(3) **All Coverage.** Each insurance policy required by this Agreement shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

E. Acceptability of Insurers. Insurance is to be placed with insurers with a Bests' rating of no less than A:VII. This requirement may, however, be waived in individual cases for Errors and Omissions Coverage only, provided, however, that in no event will a carrier with a rating below B:IX be acceptable.

F. Verification of Coverage. Consultant shall furnish the City with certificates of insurance and with original endorsements effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by the insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by the City and are to be forwarded to the City representative named in Exhibit A.

G. Payment Withhold. The City Will withhold payments to the Consultant, if certificates of insurance and endorsements required in paragraph F above have not been provided.

ATTACHMENT I

Proposal

I propose to carry out a wide range of lobbying activities on behalf of the City of Sacramento for the period of July 1, 1992 to June 30, 1993.

It is my experience from the past twenty years that a successful legislative program requires both the development of sound policy objectives and a well-executed plan to achieve these goals. At the direction of the Mayor, City Council and the City Manager, I will work to develop a legislative program for the 1992-93 session, meet the legislative needs of the City and coordinate with individual cities and the League of California Cities to ensure protection of the City's interests. This process will include spending as much time with the Mayor, City Council and City staff as necessary to receive policy direction and to maintain a productive working relationship.

More specifically, I will conduct a lobbying program which will assure the City that it will be a respected and influential participant in the state legislative process. To accomplish this, I will perform the following tasks:

1. Inform the City of newly-introduced legislation and legislative amendments through a system of bill referrals sent to the City's department heads.
2. Act as information source and advocate for the City covering the Legislature, state administrative agencies and state regulatory agencies as requested by the City Manager. This service shall include, but not be limited to: monitoring legislation which affects the City, advocating support, amendments, or opposition to legislation in accordance with the City's positions, advocating the City's interest to state administrative agencies, and advocating the City's interest in the state budget process. The City's "positions" and "interests" mean those positions and interests expressly stated by the City Manager or his designee or expressly stated in an official act of the Sacramento City Council or the Council's Law and Legislation Committee.
3. Cause the introduction and advance the passage of a limited and mutually agreeable number of legislative bills sponsored by the City.

4. Arrange for representatives of the City to participate in the legislative process through testimony, meeting with legislators, and other necessary actions.
5. Advise the City on effective lobbying tactics.
6. Maintain regular liaison with members of the City's legislative delegation.
7. Develop the support of legislators from various regions of the state to increase the City's influence on pending legislation.
8. Work with City staff to procure grants from state agencies.
9. Provide reports to the Mayor, the Law and Legislation Committee, and City Council and City staff on legislative issues, administrative activities, and other activities undertaken on behalf of the City.
10. Represent the City through regular contact with members of the Legislature and their staffs.

City of Sacramento

1992-93 State Legislative Work Plan and Procedures

I. Introductory Comments: Emphasize local interests, narrow focus.

In my interviews with City staff and Council members, two points have been repeatedly emphasized to me as I conduct a legislative advocacy program for the City. First, all underscored the potential of wasting the City's time and money by simply duplicating the work of the League of California Cities. And secondly, there was concern that the City should fail to focus its legislative interests narrowly enough and, as a result, put time demands on the advocate which would prevent him from being genuinely helpful on truly major issues of local concern. This proposed Work Plan is specifically designed to avoid these potential problems.

II. Scope of Issues

It is recommended that as a general rule the City and its advocate should restrict their state lobbying activities to two categories of legislation:

- a) Local interest legislation which affects the City exclusively or uniquely.
- b) A limited number of statewide bills which have an unusually positive or negative impact on the City. An example of such legislation might be a major change in the Brown Act Open Meeting law or reform in local government tort liability.

III. Top Priority: Local interest legislation already introduced or initiated.

- a) State Budget: AB 8 property tax allocation to cities. VLF funding allocation to cities. State-imposed restrictions in redevelopment tax increment allocation.

IV. Subject Areas of Priority Interest. Statewide Legislation.

Interviews with Council Members and staff have indicated that there are at least three subjects of statewide legislation which should have a high priority for Council and staff review. Therefore, it is suggested that the Legislative Advocate identify and distribute to department heads all major legislation relating to:

- a) Water quality, north-south allocation, distribution, treatment, and
- b) Infrastructure financing, including transportation funding, assessment district law and developer fees.
- c) Homeless funding.

V. Procedure for the review of state legislation.

- a) The Legislative Advocate will identify and distribute to department heads (and the City Manager and City Council as appropriate) all newly introduced "local interest" legislation and subsequent amendments which affect the City exclusively or in a manner which is unique and which will not be a priority of the League of California Cities. The Legislative Advocate will also identify and distribute to department heads all major statewide legislation relating to water, infrastructure financing and the homeless.
- b) City department heads will identify (with the assistance of Legislative Advocate as requested) a limited number of statewide bills. It is expected that such legislation will be brought to the attention of the department heads by the Legislative Advocate, the League Legislative Bulletin or the professional association publications of the California Park and Recreation Society, the California Redevelopment Association, the California Police Chiefs Association and the California Fire Chiefs Association.
- c) The Legislative Advocate will also identify and distribute to department heads all amendments to statewide legislation for which the Law and Legislation Committee and the Council have adopted a position.

- d) The City Attorney will establish the state legislative bill agenda for the City's Law and Legislation Committee, following receipt of the recommendations of the department heads and the Legislative Advocate.
- e) Department heads should make reference to the City's Policy Guidelines contained in the Organization and Procedures Manual on Legislative Matters.

IV. Other Responsibilities.

- a) Monitor the progress of Sacramento County's State Legislative Program for the 1992-93 Session. Identify conflicts between the interests of the city and the county.
- b) Initiate other activities by the City to increase contact with Legislators, to generate goodwill for the City, and to make Legislators from around the state familiar with the City's unique issues.

B I L L R E F E R R A L

DATE: 7/13/92

COMMITTEE ACTION: _____

TO:

DATE: 7/21/92

FROM: KENNETH EMANUELS, LEGISLATIVE REPRESENTATIVE

REPLY NO LATER THAN: _____

A.B. 3734 (HAUSER)

S.B. _____

Relating to AIR QUALITY BOARD REPRESENTATION

STATUS:

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Kenneth Emanuels at 442-0412. This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____

PLEASE TYPE YOUR RESPONSE

1. Briefly describe the provisions of the bill (attach additional sheets if necessary).

This bill will require city representation on Air District boards. Cities and counties are allowed to determine the membership and composition, but after July 1, 1993, the Air District board must have a 1/3 membership of City Council people.

2. Should this measure be: (Please circle desired position)

Supported

Opposed

Supported if Amended

Placed on Watch List

Other (explain) Council supported bill on 3/24/92

3. Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure to the City. Please make your comments in a format that can be used in a letter to State officials. (Continue on next page or attach additional sheets if necessary.)

(See previous council report)

(Continue answer to Question No. 3 here)

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

The City Council will have an ability to review and comment on Air Quality regulations, and help coordinate land use and planning efforts to improve air quality.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

The bill has been amended to require 1/3 membership of City Council people. This was done to provide a minimum number of City representatives.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position: Support

Sacramento County Board of Supervisors - oppose

7. Does this bill involve a State-mandated local program? If so, does the bill contain an S.B. 90 waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

No

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento?

10

FORM COMPLETED BY:

Gary Zigerfus

DATE: 7/13/92

AMENDED IN SENATE JUNE 24, 1992
AMENDED IN SENATE JUNE 15, 1992
AMENDED IN ASSEMBLY MAY 20, 1992
AMENDED IN ASSEMBLY APRIL 21, 1992
AMENDED IN ASSEMBLY MARCH 30, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3734

Introduced by Assembly Member Hauser
(Coauthors: Assembly Members Areias, Hughes, and
Wyman)
(Coauthors: Senators Deddeh, Cecil Green, and Watson)

February 21, 1992

An act to amend Section 40980 of, to add Sections 40322.5, 40701.5, and 40704.5 to, to repeal and add Sections 40100 and 40152 of, and to repeal Section 40153 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 3734, as amended, Hauser. Air pollution: district governing boards.

(1) Under existing law, the governing board of a county air pollution control district is ex officio the county board of supervisors; the governing board of a unified air pollution control district is ex officio the board of supervisors of each county comprising the district; the governing board of a regional air pollution control district consists of an agreed upon number of county supervisors and members of the city selection committee from each county, which committee consists of the mayors of the cities in the county; the governing board of the Sacramento Metropolitan Air Quality

Management District consists of county elected officials, as specified; the governing boards of the Bay Area Air Quality Management District and the South Coast Air Quality Management District include members who may be either county supervisors or mayors or city council members, as prescribed; and the governing board of the San Joaquin Valley Air Quality Management District, which would be created under prescribed conditions, consists of county supervisors and prescribed city members.

This bill would, on and after July 1, 1993, require the governing board of each of those districts, except as specified, to include both county supervisors and mayors or city council members, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The bill would specify methods for funding those districts.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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 40100 of the Health and Safety
- 2 Code is repealed.
- 3 SEC. 2. Section 40100 is added to the Health and
- 4 Safety Code, to read:
- 5 40100. (a) On and after July 1, 1993, the membership
- 6 of the governing board of each county air pollution

1 control district, including any district formed on or after
 2 that date, shall include (1) one or more members who are
 3 mayors, city council members, or both, and (2) one or
 4 more members who are county supervisors.

5 (b) The number of those members and their
 6 composition shall be determined jointly by the county
 7 and the cities within the district, and shall be approved
 8 by the county, and by a majority of the cities which
 9 contain a majority of the population in the incorporated
 10 area of the district.

11 (c) The governing board shall reflect, to the extent
 12 feasible and practicable, the geographic diversity of the
 13 district and the variation of population between the cities
 14 in the district.

15 (d) The members of the governing board who are
 16 mayors or city council members shall be selected by the
 17 city selection committee. The members of the governing
 18 board who are county supervisors shall be selected by the
 19 county.

20 (e) This section shall not apply to any district in which
 21 the population of the incorporated area of the county is
 22 35 percent or less than the total county population, as
 23 determined by the district on July 1, 1993.

24 (f) If a district fails to comply with subdivisions (a) and
 25 (b), the membership of the governing board shall be
 26 determined as follows:

27 (1) In districts in which the population in the
 28 incorporated areas represents between 36 and 50 percent
 29 of the total county population, one-third of the members
 30 of the governing board shall be mayors or city council
 31 members, and two-thirds shall be county supervisors.

32 (2) In districts in which the population in the
 33 incorporated areas represents more than 50 percent of
 34 the total county population, one-half of the members of
 35 the governing board shall be mayors or city council
 36 members, and one-half shall be county supervisors.

37 (3) The number of those members shall be
 38 determined as provided in subdivision (b) and the
 39 members shall be selected pursuant to subdivision (d).

40 (4) For purposes of paragraphs (1) and (2), if any

1 number which is not a whole number results from the
 2 application of the term "one-third," "one-half," or
 3 "two-thirds," the number of county supervisors shall be
 4 increased to the nearest integer, and the number of
 5 mayors or city council members decreased to the nearest
 6 integer.

7 SEC. 3. Section 40152 of the Health and Safety Code
 8 is repealed.

9 SEC. 4. Section 40152 is added to the Health and
 10 Safety Code, to read:

11 40152. (a) On and after July 1, 1993, the membership
 12 of the governing board of each unified air pollution
 13 control district, including any district formed on or after
 14 that date, shall include (1) one or more members who are
 15 mayors, city council members, or both, and (2) one or
 16 more members who are county supervisors.

17 (b) The number of those members and their
 18 composition shall be determined jointly by the counties
 19 and cities within the district, and shall be approved by a
 20 majority of the counties, and by a majority of the cities
 21 which contain a majority of the population in the
 22 incorporated area of the district.

23 (c) The governing board shall reflect, to the extent
 24 feasible and practicable, the geographic diversity of the
 25 district and the variation of population between the cities
 26 in the district.

27 (d) The members of the governing board who are
 28 mayors or city council members shall be selected by a
 29 majority of the cities in the district. The members of the
 30 governing board who are county supervisors shall be
 31 selected by a majority of the counties in the district.

32 (e) If a district fails to comply with subdivisions (a)
 33 and (b), the membership of the governing board shall be
 34 determined as follows:

35 (1) In districts in which the population in the
 36 incorporated areas represents 35 percent or less of the
 37 total district population, one-fourth of the members of
 38 the governing board shall be mayors or city council
 39 members, and three-fourths shall be county supervisors.

40 (2) In districts in which the population in the

1 incorporated areas represents between 36 and 50 percent
 2 of the total county population, one-third of the members
 3 of the governing board shall be mayors or city council
 4 members, and two-thirds shall be county supervisors.

5 (3) In districts in which the population in the
 6 incorporated areas represents more than 50 percent of
 7 the total county population, one-half of the members of
 8 the governing board shall be mayors or city council
 9 members, and one-half shall be county supervisors.

10 (4) The number of those members shall be
 11 determined as provided in subdivision (b) and the
 12 members shall be selected pursuant to subdivision (d).

13 (5) For purposes of paragraphs (1) to (3), inclusive, if
 14 any number which is not a whole number results from the
 15 application of the term "one-fourth," "one-third,"
 16 "one-half," "two-thirds," or "three-fourths," the number
 17 of county supervisors shall be increased to the nearest
 18 integer, and the number of mayors or city council
 19 members decreased to the nearest integer.

20 (f) This section does not apply to a district if the
 21 membership of the governing board of the district
 22 includes both county supervisors and mayors or city
 23 council members on June 30, 1993.

24 SEC. 5. Section 40153 of the Health and Safety Code
 25 is repealed.

26 SEC. 6. Section 40322.5 is added to the Health and
 27 Safety Code, to read:

28 40322.5. (a) Notwithstanding any other provision of
 29 this chapter, on and after July 1, 1993, the membership of
 30 the governing board of each regional air pollution control
 31 district, including any district formed on or after that
 32 date, shall include (1) one or more members who are
 33 mayors, city council members, or both, and (2) one or
 34 more members who are county supervisors.

35 (b) The number of those members and their
 36 composition shall be determined jointly by the counties
 37 and cities within the district, and shall be approved by a
 38 majority of the counties, and by a majority of the cities
 39 which contain a majority of the population in the
 40 incorporated area of the district.

1 (c) The governing board shall reflect, to the extent
2 feasible and practicable, the geographic diversity of the
3 district and the variation of population between the cities
4 in the district.

5 (d) The members of the governing board who are
6 mayors or city council members shall be selected by a
7 majority of the cities in the district. The members of the
8 governing board who are county supervisors shall be
9 selected by a majority of the counties in the district.

10 (e) If a district fails to comply with subdivisions (a)
11 and (b), the membership of the governing board shall be
12 determined as follows:

13 (1) In districts in which the population in the
14 incorporated areas represents 35 percent or less than the
15 total county population, one-fourth of the members of the
16 governing board shall be mayors or city council
17 members, and three-fourths shall be county supervisors.

18 (2) In districts in which the population of the
19 incorporated areas represents between 36 and 50 percent
20 of the total county population, one-third of the members
21 of the governing board shall be mayors or city council
22 members, and two-thirds shall be county supervisors.

23 (3) In districts in which the population of the
24 incorporated areas represents more than 50 percent of
25 the total county population, one-half of the members of
26 the governing board shall be mayors or city council
27 members, and one-half shall be county supervisors.

28 (4) The number of those members shall be
29 determined as provided in subdivision (b) and the
30 members shall be selected pursuant to subdivision (d).

31 (5) For purposes of paragraphs (1) to (3), inclusive, if
32 any number which is not a whole number results from the
33 application of the term "one-fourth," "one-third,"
34 "one-half," "two-thirds," or "three-fourths," the number
35 of county supervisors shall be increased to the nearest
36 integer, and the number of mayors or city council
37 members decreased to the nearest integer.

38 (f) This section does not apply to a district if the
39 membership of the governing board of the district
40 includes both county supervisors, and mayors or city

1 council members, on June 30, 1993.

2 SEC. 7. Section 40701.5 is added to the Health and
3 Safety Code, to read:

4 40701.5. (a) Funding for a district may be provided
5 by, but is not limited to, ~~grants, subventions, permit fees,~~
6 ~~penalties, or any one or any combination of the following:~~

7 (1) Grants.

8 (2) Subventions.

9 (3) Permit fees.

10 (4) Penalties.

11 (5) A surcharge or fee pursuant to Section 41081 or
12 44223 on motor vehicles registered in the district; ~~and an~~

13
14 (6) An annual per capita assessment on those cities
15 which have agreed to have a member on the district
16 board for purposes of Section 40100, 40152, 40322.5,
17 40704.5, or 40980 and on counties included within the
18 district; ~~or any combination of those funding methods.~~
19 Any annual per capita assessment imposed by the district
20 on those cities and counties included within the district
21 shall be imposed on an equitable per capita basis.

22 (b) Paragraph (6) of subdivision (a) does not apply to
23 the San Joaquin Valley Unified Air Pollution Control
24 District or, if that unified district ceases to exist, the valley
25 district.

26 SEC. 8. Section 40704.5 is added to the Health and
27 Safety Code, to read:

28 40704.5. (a) Notwithstanding any other provision of
29 law, on and after July 1, 1993, the membership of the
30 governing board of an air quality management district,
31 including any district formed on or after that date, shall
32 include (1) one or more members who are mayors, city
33 council members, or both, and (2) one or more members
34 who are county supervisors.

35 (b) The number of those members and their
36 composition shall be determined jointly by the counties
37 and cities within the district, and shall be approved by a
38 majority of the counties, and by a majority of the cities
39 which contain a majority of the population in the
40 incorporated area of the district.

1 (c) The governing board shall reflect, to the extent
2 feasible and practicable, the geographic diversity of the
3 district and the variation of population between the cities
4 in the district.

5 (d) The members of the governing board who are
6 mayors or city council members shall be selected by the
7 city selection committee if the district only contains one
8 county, or a majority of the cities within the district if the
9 district contains more than one county. The members of
10 the governing board who are county supervisors shall be
11 selected by the county if the district only contains one
12 county or a majority of counties within the district if the
13 district contains more than one county.

14 (e) If a district fails to comply with subdivisions (a)
15 and (b), the composition of the governing board shall be
16 determined as follows:

17 (1) In districts in which the population in the
18 incorporated areas represents 35 percent or less than the
19 total county population, one-fourth of the members of the
20 governing board shall be mayors or city council
21 members, and three-fourths shall be county supervisors.

22 (2) In districts in which the population in the
23 incorporated areas represents between 36 and 50 percent
24 of the total county population, one-third of the members
25 of the governing board shall be mayors or city council
26 members, and two-thirds shall be county supervisors.

27 (3) In districts in which the population in the
28 incorporated areas represents more than 50 percent of
29 the total county population, one-half of the members of
30 the governing board shall be mayors or city council
31 members and one-half shall be county supervisors.

32 (4) The number of those members shall be
33 determined as provided in subdivision (b) and the
34 members shall be selected pursuant to subdivision (d).

35 (5) For purposes of paragraphs (1) to (3), inclusive, if
36 any number which is not a whole number results from the
37 application of the term "one-fourth," "one-third,"
38 "one-half," "two-thirds," or "three-fourths," the number
39 of county supervisors shall be increased to the nearest
40 integer, and the number of mayors or city council

1 members decreased to the nearest integer.

2 (f) This section does not apply to a district if the
3 membership of the governing board of the district
4 includes both county supervisors, and mayors or city
5 council members, on ~~June 30~~ July 1, 1993.

6 SEC. 9. Section 40980 of the Health and Safety Code
7 is amended to read:

8 40980. (a) The Sacramento district shall, at a
9 minimum, be governed by a district board composed of
10 the Board of Supervisors of the County of Sacramento.

11 (b) If the County of Placer submits a resolution of
12 inclusion, pursuant to Section 40963, one or more elected
13 officials from that county shall be included on the
14 Sacramento district board, pursuant to agreement
15 between that county and the Sacramento district board.

16 (c) (1) On and after July 1, 1993, the membership of
17 the Sacramento district board shall include (A) one or
18 more members who are mayors or city council members,
19 or both, and (B) one or more members who are county
20 supervisors.

21 (2) The number of those members and their
22 composition shall be determined jointly by the counties
23 and cities within the district, and shall be approved by a
24 majority of the counties, and by a majority of the cities
25 which contain a majority of the population in the
26 incorporated area of the district.

27 (d) The governing board shall reflect, to the extent
28 feasible and practicable, the geographic diversity of the
29 district and the variation of population between the cities
30 in the district.

31 (e) The members of the governing board who are
32 mayors or city council members shall be selected by the
33 city selection committee if the district only contains one
34 county, or a majority of the cities within the district if the
35 district contains more than one county. The members of
36 the governing board who are county supervisors shall be
37 selected by the county if the district only contains one
38 county or a majority of counties within the district if the
39 district contains more than one county.

40 (f) (1) If the district fails to comply with subdivision

1 (c), one-third of the members of the governing board
2 shall be mayors or city council members, and two-thirds
3 shall be county supervisors. The number of those
4 members shall be determined as provided in paragraph
5 (2) of subdivision (c) and the members shall be selected
6 pursuant to subdivision (e).

7 (2) For purposes of paragraph (1), if any number
8 which is not a whole number results from the application
9 of the term "one-third" or "two-thirds," the number of
10 county supervisors shall be increased to the nearest
11 integer, and the number of mayors or city council
12 members decreased to the nearest integer.

13 SEC. 10. Sections 1 to 6, inclusive, and Sections 8 and
14 9 of this act shall become operative July 1, 1993.

15 SEC. 11. No reimbursement shall be made from the
16 State Mandates Claims Fund pursuant to Part 7
17 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code for costs mandated by the
19 state pursuant to this act. It is recognized, however, that
20 a local agency or school district may pursue any remedies
21 to obtain reimbursement available to it under Part 7
22 (commencing with Section 17500) and any other
23 provisions of law.

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
SACRAMENTO, CA

ADMINISTRATION
ROOM 300, 95814-2987
(916) 264-5571
FAX (916) 264-7185
BUILDING INSPECTIONS
ROOM 200, 95814-2998
(916) 264-5716
FAX (916) 264-7046
ECONOMIC DEVELOPMENT
ROOM 300, 95814-2987
(916) 264-7223
ENVIRONMENTAL SERVICES
ROOM 301, 95814-3982
(916) 264-7037
PLANNING
ROOM 200, 95814-2998
(916) 264-5381

812 TENTH STREET
SACRAMENTO, CA 95814-2694
NEIGHBORHOOD SERVICES
(916) 264-5948
FAX (916) 264-7722

March 10, 1992

City Council
Sacramento, California

Honorable Members in Session

**SUBJECT: SUPPORT FOR ASSEMBLY BILL 3734
CITY REPRESENTATION ON AIR DISTRICT BOARDS**

LOCATION

City

SUMMARY

This report recommends that the City Council adopt the attached resolution and letter supporting the passage of Assembly bill 3734 (Hauser) which requires that all single and multi-county air districts have City and County representation.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution and letter supporting the passage of AB3734.

BACKGROUND INFORMATION

Recently Assemblyman Dan Hauser introduced AB3734 which will require that, by

July 1, 1993, all air districts include both City and County representatives on their governing boards. The number from each City and County and the method of their selection will be determined jointly, and approved by the County and a majority of cities with the majority of the incorporated population. According to the League of California Cities, this provision will supersede existing law which designates the Board of Supervisors as the air district board.

The League strongly supports this bill because it will enable cities, which will be affected by air district decisions, to have a voice in the development and adoption of air quality regulations. Air quality planning in the 1990's is different than previous efforts, in that more emphasis is being placed on addressing mobile sources of air pollution. Since potential methods to regulate indirect or mobile sources of air pollution will have a direct impact on land use decisions, the League believes that cities must become partners with counties when developing new air quality regulations.

Locally, passage of this bill will enable the City of Sacramento and other incorporated areas to have a voice on the Sacramento Metropolitan Air Quality Management District. The District is considering new rules which will have a direct effect on future land use decisions. Consequently, this bill will not only allow the City to work with the Board of Supervisors, when developing rules which have the potential to improve air quality, but also allow for the integration of land use, transportation, and air quality planning at the County and City level.

This bill will be heard in late March or early April in the Assembly Natural Resources Committee. Due to the need to quickly submit the City's letter of support to the Legislature, the Chair of the Law and Legislation Committee has agreed that this item be heard by the full City Council.

FINANCIAL CONSIDERATIONS

None


POLICY CONSIDERATIONS

Passage of this bill will enable the City of Sacramento to have representation on the governing board of the Sacramento Metropolitan Air Quality Management District. The City will then be able to review and comment on new air quality regulations, and to help coordinate land use and transportation planning with efforts to improve air quality.

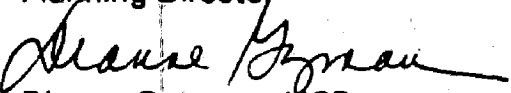
MBE/WBE

Since goods and services are not being purchased, MBE/WBE efforts are not applicable.

Respectfully submitted,



Gary Stonehouse
Planning Director



Dianne Guzman, AICP
Director of Planning and Development

Recommendation Approved:

Walter J. Slipe
City Manager

Contact for More Information
Scot Mende, Senior Planner 264-5381

GS:SM:gz/ccaq

FOR COUNCIL MEETING OF:
March 24, 1992

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

REQUESTING THAT THE ASSEMBLY NATURAL RESOURCES COMMITTEE AND ASSEMBLY AND STATE SENATE REPRESENTATIVES SUPPORT THE PASSAGE OF ASSEMBLY BILL 3734(Hauser) WHICH REQUIRES CITY REPRESENTATION ON AIR DISTRICT GOVERNING BOARDS

WHEREAS, the City of Sacramento is currently involved in efforts to integrate land use, transportation, and air quality planning; and

WHEREAS, the City Council believes that the City should have the ability to develop and act upon air quality regulations that will directly affect local planning efforts; and

WHEREAS, the League of California Cities have approved a resolution supporting the inclusion of cities on air quality boards;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

That the attached letter be sent to Assemblyman Isenberg, Assemblyman Connelly, Senator Greene, and to members of the Assembly Natural Resources Committee urging that they support the passage of AB 3734

MAYOR

ATTEST

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

4

**Assemblyman Sher, Chair
Assembly Natural Resources Committee
California State Capital, Rm 2136
California, CA 95814**

Dear Assemblyman Sher:

March 24, 1992

Recently Assemblyman Hauser has introduced AB 3734 which requires that all air districts include both City and County representatives on their governing boards. As new methods are developed to regulate indirect or mobile sources of air pollution, it is important that cities and counties work together to coordinate land use, transportation, and air quality planning.

Through the Congestion Management planning process, the City and County of Sacramento, as members of the Countywide Sacramento Transportation Authority, have already begun to reach a consensus on transportation projects which can help improve air quality and reduce high levels of traffic congestion. Also, new land use concepts are being considered in the City and County which have the potential of further improving air quality and reducing traffic congestion.

This working relationship between City and County elected officials has been productive, and as such, the same concept should be used for air districts. Sacramento County and the region will benefit by further ensuring the coordination of land use decisions with transportation and air quality planning.

Therefore, the City Council of Sacramento urges that the Natural Resources Committee support the passage of AB3734.

Sincerely,

**Anne Rudin, Mayor
City of Sacramento**

**cc: Members of the Assembly Natural Resources Committee
Senator Leroy Greene
Assemblyman Hauser
Assemblyman Phil Isenberg
Assemblyman LLOYD Connelly
Sacramento City Council
Ken Emanuels**

ASSEMBLY BILL

No. 3734

Introduced by Assembly Member Hauser

February 21, 1992

An act to amend Section 40980 of, to add Sections 40322.5 and 40704.5 to, to repeal and add Sections 40100 and 40152 of, and to repeal Section 40153 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 3734, as introduced, Hauser. Air pollution: district governing boards.

(1) Under existing law, the governing board of a county air pollution control district is ex officio the county board of supervisors; the governing board of a unified air pollution control district is ex officio the board of supervisors of each county comprising the district; the governing board of a regional air pollution control district consists of an agreed upon number of county supervisors and members of the city selection committee from each county, which committee consists of the mayors of the cities in the county; the governing board of the Sacramento Metropolitan Air Quality Management District consists of county elected officials, as specified; the governing boards of the Bay Area Air Quality Management District and the South Coast Air Quality Management District include members who may be either county supervisors or mayors or city council members, as prescribed; and the governing board of the San Joaquin Valley Air Quality Management District, which would be created under prescribed conditions, consists of county supervisors and prescribed city members.

bill would, on and after July 1, 1993, require the governing board of each of those districts, except as specified,

to include both county supervisors and mayors or city council members, as determined jointly by the cities and counties in the districts, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

(2) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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 40100 of the Health and Safety
2 Code is repealed.

3 ~~40100. A county board of supervisors shall be ex officio
4 the county district board of the county.~~

5 SEC. 2. Section 40100 is added to the Health and
6 Safety Code, to read:

7 40100. (a) On and after July 1, 1993, the membership
8 of the governing board of each county air pollution
9 control district, including any district formed on or after
10 that date, shall include (1) one or more members who are
11 mayors, city council members, or both, and (2) one or
12 more members who are county supervisors.

13 (b) The number of those members and the method of
14 their selection shall be determined jointly by the county
15 and the cities within the district, and shall be approved
16 by the county, and by a majority of the cities which
17 contain a majority of the incorporated area of the district.

1 SEC. 3. Section 40152 of the Health and Safety
2 is repealed.

3 ~~40152. The agreement shall provide for the
4 procedure on the unified district board, and shall set
5 the number of supervisors who shall serve from
6 county and the weight the vote of each member shall
7 accorded. If less than all of the supervisors of a county
8 serve, the board of supervisors of such county shall,
9 time to time as necessary, select members to serve on
10 unified district board. The agreement shall provide
11 procedure for its modification or termination.~~

12 SEC. 4. Section 40152 is added to the Health
13 Safety Code, to read:

14 40152. (a) On and after July 1, 1993, the members
15 of the governing board of each unified air pollution
16 control district, including any district formed on or
17 that date, shall include (1) one or more members: with
18 mayors, city council members, or both, and (2) one or
19 more members who are county supervisors.

20 (b) The number of those members and the method of
21 their selection shall be determined jointly by the county
22 and cities within the district, and shall be approved by a
23 majority of the counties, and by a majority of the cities
24 which contain a majority of the incorporated area of the
25 district.

26 SEC. 5. Section 40153 of the Health and Safety
27 is repealed.

28 ~~40153. The boards of supervisors of each county
29 comprising a unified district, or such lesser number of
30 may be designated in the agreement ratified pursuant to
31 Section 40151, shall be, ex officio, the unified district
32 board.~~

33 SEC. 6. Section 40322.5 is added to the Health
34 Safety Code, to read:

35 40322.5. (a) Notwithstanding any other provision
36 this chapter, on and after July 1, 1993, the members of
37 the governing board of each regional air pollution control
38 district, including any district formed on or after that
39 date, shall include (1) one or more members with
40 mayors, city council members, or both, and (2) one or

1 more members who are county supervisors.

2 (b) The number of those members and the method of
3 their selection shall be determined jointly by the counties
4 and cities within the district, and shall be approved by a
5 majority of the counties, and by a majority of the cities
6 which contain a majority of the incorporated area of the
7 district.

8 (c) This section does not apply to a district if the
9 membership of the governing board of the district
10 actually includes both county supervisors, and mayors or
11 city council members, on June 30, 1993.

12 SEC. 7. Section 40704.5 is added to the Health and
13 Safety Code, to read:

14 40704.5. (a) Notwithstanding any other provision of
15 law, on and after July 1, 1993, the membership of the
16 governing board of an air quality management district,
17 including any district formed on or after that date, shall
18 include (1) one or more members who are mayors, city
19 council members, or both, and (2) one or more members
20 who are county supervisors.

21 (b) The number of those members and the method of
22 their selection shall be determined jointly by the counties
23 and cities within the district, and shall be approved by a
24 majority of the counties, and by a majority of the cities
25 which contain a majority of the incorporated area of the
26 district.

27 (c) This section does not apply to a district if the
28 membership of the governing board of the district
29 actually includes both county supervisors, and mayors or
30 city council members, on June 30, 1993.

31 SEC. 8. Section 40980 of the Health and Safety Code
32 is amended to read:

33 40980. (a) The Sacramento district shall, at a
34 minimum, be governed by a district board composed of
35 the Board of Supervisors of the County of Sacramento.

36 (b) If the County of Placer submits a resolution of
37 inclusion, pursuant to Section 40963, one or more elected
38 officials from that county shall be included on the
39 Sacramento district board, pursuant to agreement
40 between that county and the Sacramento district board.

1 (c) On and after July 1, 1993, the membership
2 Sacramento district board shall include (1) one or
3 members who are mayors or city council membe
4 both, and (2) one or more members who are c
5 supervisors. The number of those members an
6 method of their selection shall be determined join
7 the counties and cities within the district, and sh
8 approved by a majority of the counties, and by a m.
9 of the cities which contain a majority of the incorp
10 area of the district.

11 SEC. 9. No reimbursement shall be made fro
12 State Mandates Claims Fund pursuant to I
13 (commencing with Section 17500) of Division 4 o
14 2 of the Government Code for costs mandated l
15 state pursuant to this act. It is recognized, howeve
16 a local agency or school district may pursue any rei
17 to obtain reimbursement available to it under
18 (commencing with Section 17500) and any
19 provisions of law.