
CONSENT

Bill No: SB 1473
Author: Committee on Governance and Finance
Introduced: 3/12/20
Vote: 21

SENATE GOVERNANCE & FIN. COMMITTEE: 7-0, 5/21/20
AYES: McGuire, Moorlach, Beall, Hertzberg, Hurtado, Nielsen, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Local Government Omnibus Act of 2020

SOURCE: Author

DIGEST: This bill proposes several minor changes to state laws governing local governments' powers and duties.

ANALYSIS: Each year, local officials discover problems with state statutes affecting counties, cities, special districts, and redevelopment agencies, as well as the laws on land use planning and development. These minor problems do not warrant separate (and expensive) bills. According to the Legislative Analyst, the cost of producing a bill in 2001-02 was \$17,890.

Legislators respond by combining several of these minor topics into an annual "omnibus bill." In 2019, for example, the local government omnibus bill was SB 780 (Senate Governance & Finance Committee, Chapter 329, Statutes of 2019) which contained noncontroversial statutory changes to 14 areas of local government law, avoiding approximately \$250,000 in legislative costs. Although this practice may violate a strict interpretation of the single-subject and germaneness rules as presented in *Californians for an Open Primary v. McPherson* (2006), it is an expeditious and relatively inexpensive way to respond to multiple requests.

This bill, the Local Government Omnibus Act of 2020, proposes the following changes to the state laws affecting local agencies' powers and duties:

- 1) *Loan of County Funds to Resource Conservation Districts.* Current law allows a county to lend any of its available funds to a variety of types of special districts to enable the district to perform its functions and meet its obligations. Many types of districts are eligible, such as a fire protection, flood control, water conservation, or park districts, as long as the district is located wholly within the county and the loan does not exceed 85 percent of the district's anticipated revenue for the fiscal year. Staff to the Assembly Natural Resources Committee notes that resource conservation districts currently are not authorized to receive loans from a county, even though they may perform work such as vegetation management that could be funded through a loan if a different special district had performed the work. SB 1473 adds resource conservation districts to the list of special districts that may receive a loan from a county. [See SEC. 2 of the bill.]
- 2) *Reading of Ordinances.* Current law establishes certain procedural requirements for county ordinances to become law. Most ordinances must be introduced for five days before being passed and must be passed at a regular meeting or an adjourned regular meeting; urgency ordinances don't have to abide by these rules. All ordinances must be read in full either at the time of introduction or passage, unless the Board of Supervisors waives further reading after the title is read. The County of Santa Clara notes that this requirement to read the title of an ordinance is obsolete and inefficient at a time when the title of the ordinance is listed in the agenda, in full compliance with the state's open meetings laws, and the full text of the ordinance is typically made available online or in print prior to the introduction or passage of the ordinance. SB 1473 removes the requirement to read the title and waive the remainder of the reading of the text of an ordinance when the title of the ordinance is listed in the agenda and the full text of the ordinance is available to the public online or in print prior to the meeting where the ordinance is introduced or adopted. [See SEC. 3.]
- 3) *Very High Fire Hazard Severity Zones.* Current law requires the director of the California Department of Forestry and Fire Protection (CALFIRE) to identify areas in the state as very high fire hazard severity zones (VHFHSZ) based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. These designations must be updated every five years. Once the director identifies the VHFHSZ, he or she must make recommendations to all local agencies with land in the VHFHSZ. Local agencies must adopt these maps via ordinance within 120 days of receiving the recommendation, and can add land to the VHFHSZ, but not remove it. Senate Governance and Finance Committee staff note that the requirement for local

agencies to adopt VHFHSZs contains an outdated cross-reference to subdivisions of code that were repealed in 2008. SB 1473 deletes the references to the since-repealed subdivisions. [See SEC. 4.]

- 4) *Surplus Land Act*. The Surplus Land Act spells out the steps public agencies must follow when they want to dispose of land they no longer need. It requires state departments and local governments to give a “first right of refusal” to other governments and some nonprofit groups, including affordable housing developers. In 2019, the Legislature substantially revised the Surplus Land Act to strengthen the requirements of the Act in an effort to produce additional affordable housing on land that local agencies were selling (AB 1486, Ting). Among other changes, AB 1486 broadened the definition of surplus land and required land to be designated as surplus prior to the local agency selling the land. Assembly Member Ting’s office notes that a clarifying amendment requested by the Senate Governance and Finance Committee was inadvertently deleted. SB 1473 restores this deleted provision, to specify that the designation of land as surplus does not obligate a local agency to sell the property. [See SEC. 5.]
- 5) *Health and Welfare Trust Fund Reporting*. Current law requires each county, city, or city and county to file annual reports with the State Controller's Office (SCO) regarding health and welfare trust fund deposits and disbursements. The Controller is required to verify deposits, notify appropriate state agencies upon request of deficits in deposits, and forward annual reports to the appropriate state department for expenditure verification. The SCO notes that this requirement imposes additional costs to transmit reports that may not be used. SB 1473 requires the SCO to forward the reports only upon request. [See SEC. 6.]

Comments

Purpose of the bill. SB 1473 compiles, into a single bill, noncontroversial statutory changes to five parts of state laws that affect local agencies and land use. Moving a bill through the legislative process costs the state around \$18,000. By avoiding four other bills, the Committee’s measure avoids approximately \$72,000 in legislative costs. Although the practice may violate a strict interpretation of the single-subject and germaneness rules, the Committee insists on a very public review of each item. More than 100 public officials, trade groups, lobbyists, and legislative staffers see each proposal before it goes into the Committee’s bill. Should any item in SB 1473 attract opposition, the Committee will delete it. In

this transparent process, there is no hidden agenda. If it's not consensus, it's not omnibus.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/3/20)

None received

OPPOSITION: (Verified 6/3/20)

None received

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