



California State Association of Counties



San Bernardino County



Rural County
Representatives of
California



Urban Counties Caucus

April 14, 2015

The Honorable Chad Mayes
Member, California State Assembly
State Capitol, Room 4144
Sacramento, CA 95814

RE: AB 851 (Mayes) – SUPPORT IN CONCEPT

Set for hearing in the Assembly Local Government Committee on April 22, 2015

Dear Assembly Member Mayes:

The Urban Counties Caucus (UCC), the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC), and San Bernardino County have taken a position of support in concept on your bill, AB 851, which is set for hearing in the Assembly Local Government Committee on April 22, 2015. This bill would make changes to the Cortese-Knox-Hertzberg Act related to disincorporations.

As you know, the existing law for a disincorporation has not been updated since 1973. As a result, if a city were to pursue a disincorporation under the existing statutes, there would be considerable confusion at the local level, as there are many areas of the law that are unclear, outdated, and even unconstitutional. Counties have worked with the author and sponsor to ensure that the proposed changes make sense for counties dealing with a potential disincorporation.

Specifically, AB 851 would establish procedures for a disincorporation, which includes the city providing a written statement which certifies information regarding its indebtedness and revenues available, and provides procedures for the successor agency including land use guidelines, financial responsibilities, and other governmental procedures to ensure an orderly transition of services and responsibilities. This bill would also offer legislative intent language that any disincorporation that results in a determination that the debt or contractual obligation and responsibilities of the city being disincorporated shall be the responsibility of that same territory for repayment.

This bill is critical to address potential disincorporations that are regrettably on the radar in a few areas of the state. Without this important legislation, counties are concerned about the potential for significant financial liabilities, unplanned service demands, and legal chaos that could ensue when a city petitions for disincorporation. We strongly believe it is imperative to have a consistent statewide approach to addressing disincorporations to ensure consistent delivery of services, appropriate administration of financial obligations, and open lines of communication and information sharing among affected local agencies. Since there are still a few policy matters we continue to discuss with our local government partners, we have a support in concept position and anticipate full support as soon as these remaining issues are resolved.

For these reasons, UCC, CSAC, RCRC and San Bernardino County are pleased to have a support in concept position on AB 851 and thank you for your leadership in this area. Should you have any questions on our position, please contact Jolena Voorhis with UCC at (916) 327-7531, Dorothy Holzem with CSAC at (916) 327-7500, or Kathy Mannion with RCRC at (916) 447-4806, or Josh Candelaria with San Bernardino County at (909) 387-4821.

Sincerely,



Dorothy Holzem
Legislative Representative
CSAC



Jolena Voorhis
Executive Director
UCC



Kathy Mannion
Legislative Advocate
RCRC



Supervisor James Ramos
County of San Bernardino

cc: Members and Consultants, Assembly Local Government Committee