



CITY COUNCIL STAFF REPORT

DATE: May 18, 2011

Consent _____

SUPPORT AB 307 – PENDING STATE LEGISLATION EXPRESSLY ALLOWING FEDERALLY RECOGNIZED INDIAN TRIBES TO ENTER INTO JOINT POWERS AGREEMENTS IN CALIFORNIA

FROM: David H. Ready, City Manager

BY: Douglas Holland, City Attorney

SUMMARY

AB 307 would expressly provide that a federally recognized Indian tribe is a public agency that may enter into a joint powers agreement under the laws of the State of California.

RECOMMENDATION:

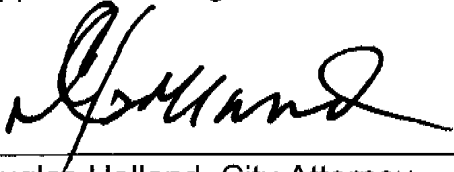
Authorize the Mayor to execute and deliver a letter to the State Legislature and the Governor supporting the passage of AB 307.

STAFF ANALYSIS:

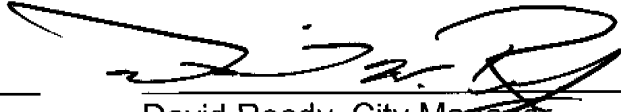
Under existing law, 2 or more public agencies (including cities, special districts, counties, and the like) have the authority to enter into an agreement to exercise common powers. These agreements are also known as "joint powers agreements." The City is a member of a number of joint powers agreements including, by way of example, the Eastern Riverside County Interoperable Communications Authority ("ERICA"), the joint powers agency that oversees the regional 800 MHz digital communications system. The proposed legislation, AB 307 would expressly include a federally recognized Indian tribe as a public agency that may enter into joint powers agreements with other public agencies in California. Passage of this legislation would provide opportunities for the City and the Aqua Caliente Band of Cahuilla Indians to enter into joint powers agreements for mutually beneficial purposes, including coordination of emergency response services and communications.

FISCAL IMPACT:

Support of this legislation does not have any fiscal impact.



Douglas Holland, City Attorney



David Ready, City Manager

Attachments: AB 307

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 307

Introduced by Assembly Member Nestande
(Coauthors: Assembly Members Chesbro, Gordon, and Gorell)

February 9, 2011

An act to amend ~~Section 6500~~ *Sections 6500 and 65101.1* of, to add Section 6529.5 to, and to repeal Sections 6529 and 6530 of, the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 307, as amended, Nestande. Joint powers agreements: public agency: federally recognized Indian tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to exercise common powers. Existing law also permits certain federally recognized Indian tribes to enter into joint powers agreements with particular parties and for limited purposes.

This bill would include a federally recognized Indian tribe as a public agency that may enter into a joint powers agreement. This bill would also make conforming changes by ~~repealing now-redundant~~ *conforming related* code sections.

This bill would also prohibit any joint powers authority that includes a federally recognized Indian tribe from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

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

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

1 SECTION 1. Section 6500 of the Government Code is amended
2 to read:

3 6500. As used in this article, “public agency” includes, but is
4 not limited to, the federal government or any federal department
5 or agency, this state, another state or any state department or
6 agency, a county, county board of education, county superintendent
7 of schools, city, public corporation, public district, regional
8 transportation commission of this state or another state, a federally
9 recognized Indian tribe, or any joint powers authority formed
10 pursuant to this article by any of these agencies.

11 SEC. 2. Section 6529 of the Government Code is repealed.

12 SEC. 3. Section 6529.5 is added to the Government Code, to
13 read:

14 6529.5. Any joint powers authority that includes a federally
15 recognized Indian tribe shall not have the authority to authorize
16 or issue bonds pursuant to the Marks-Roos Local Bond Pooling
17 Act of 1985 (Article 4 (commencing with Section 6584)) unless
18 the public improvements to be funded by the bonds will be owned
19 and maintained by the authority or one or more of its public agency
20 members, and the revenue streams pledged to repay the bonds
21 derive from the authority or one or more of its public agency
22 members.

23 SEC. 4. Section 6530 of the Government Code is repealed.

24 SEC. 5. *Section 65101.1 of the Government Code is amended*
25 *to read:*

26 65101.1. The Hoopa Valley Business Council, as the governing
27 body of the Hoopa Valley Indian Tribe, may participate as a
28 legislative body, pursuant to subdivision (b) of Section 65101 on
29 the Humboldt County Association of Governments ~~and for that~~
30 ~~purpose may enter into a joint powers agreement with the parties~~
31 ~~thereto~~ and shall be deemed to be a public agency, *pursuant to*
32 *Section 6500*, for purposes of Article 1 (commencing with Section
33 6500) of Chapter 5 of Division 7 of Title 1. The Legislature finds

1 and declares that the unique circumstances of Humboldt County
2 necessitate this special law.

O