

STAFF REPORT 01/22/2020			REQUESTED AMENDMENTS 02/20/20	AB 2777 https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2777	REVISED STAFF RECOMMENDATIONS 11/12/20
PUC §	STAFF RECOMMENDATION	BOARD DIRECTION			
24533	Publishing requirements; newspaper of general circulation.	Add publishing on the District's website as form of publication		INCLUDED: publishing on the District's website as form of publication, in addition to publishing in a newspaper of general circulation	Adopt language of AB 2777.
24535	Electronic signatures	Add use of electronic signatures		INCLUDED: permits the use of digital / electronic signatures	Adopt language of AB 2777.
24561	Organization/ incorporation of transit district/ designation as rapid transit district.	Research the legislative history on the intent of the statute and report back, designate District as a rapid transit district		INCLUDED: designates the District as a rapid transit district	Adopt language of AB 2777.
24647	Elections; ward and at-large candidates for the Board to submit a written petition with at least 50 signatures	At-large candidates submit 100-150 signatures or have the ability to pay a fee to qualify for the ballot (similar to the assembly, senate or county offices). It was also suggested that the Board be allowed to determine the number of signatures and the associated fee by ordinance or resolution as deemed appropriate. In light of the California Voting Rights Act, changes to the at-large provisions of PUC §24647 are not recommended at this time.	§24647: Any person may be nominated for the office of director upon written petition signed by voters or by paying a fee in lieu of signatures. The board shall have the ability to determine the number of signatures required for nomination, or in the alternative, the fee required for nomination, by enacting an ordinance designating the number of signatures or the amount of the fee in lieu of signatures required	DELAYED DUE TO COVID	§24647: Any person may be nominated for the office of director upon written petition signed by voters or by paying a fee in lieu of signatures. At-large candidates shall submit a minimum of 100 [or TBD] signatures; ward candidates shall submit a minimum of 50 [or TBD] signatures. At-large and ward candidates may pay a fee of [TBD] in lieu of submitting signatures. Add language to §24828(b) stating that all nomination papers shall be filed with, and all in lieu fees shall be paid to, the registrar of voters in the county or counties in which the candidate is running.
24865	Vacancies on the Board of more than 60 days filled by the Governor	Research the Elections Code to determine whether the Governor or the Board of Supervisors appoints. A change was suggested to give the Board 90 days to fill a vacancy.		INCLUDED: all board vacancies will be filled by the board, except when exceeding 90 days, in which case the governor shall fill the vacancy	Adopt language of AB 2777.
24907	Board quorum and vote requirements	Clarify that actions of the Board require four affirmative votes of the body.		INCLUDED: § 24909 - clarifying that actions of the Board require four affirmative votes of the body	Adopt language of AB 2777.

24931 et seq.	Modernization of Board Officer job duties/ requirements	<p>1) Increase the level of experience for General Counsel to a minimum of five years.</p> <p>2) Change the word "shall" to "should" in § 24927.</p> <p>3) Eliminate § 24933.</p> <p>4) Eliminate § 24935.</p> <p>5) Clarify § 24936(h) that devotion of the general manager's entire time to the District shall mean no second jobs.</p> <p>6) Extend the date in § 24937 for publication of the annual financial report from 90 days following the end of the fiscal year to 180 days.</p>	<p>§ 24931: The board may appoint a secretary and a general counsel, who shall hold office during the pleasure of the board.</p> <p>§ 24932. The general counsel shall be admitted to practice law in the Supreme Court of the State, and shall have been actively engaged in the practice of his profession for not less than five years next preceding his appointment.</p> <p>Repeal § 24933</p> <p>Repeal and Replace § 24935: Each appointive officer shall devote his entire time to the district, meaning that he shall not engage in any other business or employment without prior approval from the board.</p> <p>§ 24937: The general manager shall within 180 days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this division for the publication of ordinances and notices generally</p>	<p>NO AMENDMENTS INCLUDED IN LEGISLATION OR REFLECTED IN EXISTING PUBLIC UTILITIES CODE</p>	<p>§ 24931: The board may appoint a secretary and a general counsel, who shall hold office during the pleasure of the board.</p> <p>§ 24932. The general counsel shall be admitted to practice law in the Supreme Court of the State, and shall have been actively engaged in the practice of their profession for not less than five years next preceding his appointment.</p> <p>Repeal § 24933</p> <p>Repeal and Replace § 24935: Each appointive officer shall devote their entire time to the district, meaning that they shall not engage in any other business or employment without prior approval from the board.</p> <p>§ 24937: The general manager shall within 180 days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this division for the publication of ordinances and notices generally</p>
25331	Pension Provisions	Amend to clarify that elected board members cannot participate in the retirement system.	<p>Amendment 7: On page 5 strikeout lines 3 through 5 inclusive, and insert the following:</p> <p>(b) No Board member accrues service credit in the retirement system for their service on the Board.</p>	<p>INCLUDED: § 25331 - "If a former employee is elected as a board member, that person shall not accrue service credit in the retirement system for their service on the board."</p>	Adopt language of AB 2777.
25333	Pension Provisions	The board may provide that the district shall contribute the entire cost of the retirement system or may require that an officer of employee of the district, upon becoming a member of the retirement system, shall contribute a portion of the costs, <i>as permitted or required by law</i> . The amount of said officer or employee contribution shall be determined by the board.	<p>Amendments 8: On Page 5 strikeout on line 12 "The amount of said" and strikeout line 13 and line 14, and insert the following:</p> <p>"The amount of the officer or employee contribution shall be determined by the board as permitted or required by law."</p>	<p>INCLUDED: "The amount of the officer or employee contribution shall be determined by the board."</p>	The amount of the officer or employee contribution shall be determined by the board, <u>as permitted or required by law.</u>

25841.5	Allow the District to issue debt for more multi-year periods as well as streamline the process	Pursue the changes requested	<p>A district may borrow money for the purpose of defraying the expenses of a district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by a district, in a sum which shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of taxable property in a district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed six (6) percent per annum. The notes shall be payable from the tax levy from the the current current upcoming two fiscal years, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing at Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. The maturity of said notes shall not exceed two (2) years.</p>	INCLUDED	Adopt language of requested amendment.
25891	Ability to levy fees and taxes	Research this option and report back		NOT INCLUDED	<p>The two primary limitations are (1) all taxes must be approved by the voters (prop 218); and (2) approval of taxes requires a 2/3 vote (prop 13, 62). As a special district, we can impose property taxes or special taxes, but not general taxes. Any new taxes and fees would require 2/3 voter approval and should be explored through public opinion polling.</p>