



VENTURA LOCAL AGENCY FORMATION COMMISSION

COUNTY GOVERNMENT CENTER • HALL OF ADMINISTRATION

800 S. VICTORIA AVENUE • VENTURA, CA 93009-1850

TEL (805) 654-2576 • FAX (805) 477-7101


www.ventura.lafco.ca.gov

MEMORANDUM

DATE: March 7, 2017

TO: Local Public Agency Administrators
- County of Ventura
- Cities of Ventura County
- Special Districts of Ventura County

SENT VIA EMAIL

FROM: Kai Luoma, Executive Officer 

SUBJECT: New Reporting Requirements for Certain Joint Power Authorities (SB 1266)

This memorandum provides formal notice by the Ventura Local Agency Formation Commission (LAFCo) of the new filing requirements established under Senate Bill 1266 (McGuire), which became effective January 1, 2017. The legislation amended the Joint Exercise of Powers Act to establish new reporting procedures in which certain joint power agencies and joint powers authorities (JPAs) must now file their agreements, and any subsequent amendments, with LAFCo and within certain prescribed time periods. Specifically, the legislation:

1. Requires a JPA to file with LAFCo a copy of the joint powers agreement, and any amendments to the agreement, if the JPA:
 - a. Meets the definition of a JPA provided in existing law, which defines a JPA as an agency or entity formed for the local performance of governmental functions that includes the provision of municipal services (LAFCo generally considers a municipal service to be those services identified in Govt. Code § 61100); and
 - b. Includes a local agency member that is a city, county, or district.
2. Requires the filing to be with the local agency formation commission in each county within which all or any part of a local agency's member territory is located.
3. Requires the filing with LAFCo no later than July 1, 2017, for JPAs formed prior to January 1, 2017, and within 30 days after the effective date of the joint powers agreement or amendment to the agreement for JPAs formed on or after January 1, 2017.
4. Prohibits any agency or entity administering a joint powers agreement, or amendment to the agreement, which fails to make the required filings with LAFCo from issuing any bonds or incurring indebtedness of any kind until those filings are completed.

The new legislation does not provide Ventura LAFCo with any regulatory or review authority over JPAs. Our role is to serve as a depository for the associated filings. As such, in the near future, we will be creating a page on our website on which all associated filings will be posted. A copy of SB 1266 is attached. Thank you for your attention to this matter and please feel free to contact me should you have any questions.

Senate Bill No. 1266

CHAPTER 173

An act to amend Section 6503.6 of, and to add Section 6503.8 to, the Government Code, relating to local government.

[Approved by Governor August 22, 2016. Filed with
Secretary of State August 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, McGuire. Joint Exercise of Powers Act: agreements: filings.

The Joint Exercise of Powers Act generally authorizes 2 or more public agencies, by agreement, to jointly exercise any common power, which is generally termed a joint powers agreement. When a joint powers agreement provides for the creation of an agency or entity, separate from the parties to the agreement and responsible for its administration, existing law requires that agency or entity to cause a notice of the agreement or amendment to be prepared and filed, as specified, with the Secretary of State. Existing law requires an agency or entity that files a notice of agreement or amendment with the Secretary of State to also file a copy of the original joint powers agreement, and any amendment to the agreement, with the Controller.

This bill would require an agency or entity required to file documents with the Controller, as described above, that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services and that includes a local agency member, as specified, to also file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located within 30 days after the effective date of the agreement or amendment to the agreement. The bill would also require an agency or entity that meets the definition of a joint powers authority or joint powers agency, as specified, that was formed for the purpose of providing municipal services prior to the effective date of this act and that includes a local agency member, as specified, to file a copy of the agreement and any amendments to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located no later than July 1, 2017. This bill would prohibit an agency or entity administering an agreement or amendment that has failed to make the required filings within the specified timeframes from issuing bonds or incurring any indebtedness until those filings have been made.

By requiring specified joint powers agencies to file certain documents with a local agency formation commission, this bill would impose a state-mandated local program.

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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 6503.6 of the Government Code is amended to read:

6503.6. (a) When an agency or entity files a notice of agreement or amendment to the agreement with the office of the Secretary of State pursuant to Section 6503.5, the agency or entity shall file a copy of the full text of the original joint powers agreement, and any amendment to the agreement, with the Controller. An agency or entity that meets the definition of a joint powers authority or joint powers agency under Section 56047.7 that was formed for the purpose of providing municipal services and that includes a local agency member that is a city, district, or county shall, within 30 days after the effective date of the agreement or amendment to the agreement, file a copy of the agreement or amendment to the agreement with the local agency formation commission in each county within which all or any part of a local agency member's territory is located.

(b) Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which agreement or amendment becomes effective on or after the effective date of this section, which fails to file the notice with a local agency formation commission required by this section within 30 days after the effective date of the agreement or amendment shall not thereafter, and until those filings are completed, issue any bonds or incur indebtedness of any kind.

SEC. 2. Section 6503.8 is added to the Government Code, to read:

6503.8. (a) No later than July 1, 2017, an agency or entity that meets the definition of a joint powers authority or joint powers agency under Section 56047.7 that was formed for the purpose of providing municipal services prior to the effective date of this section, and that includes a local agency member that is a city, district, or county, shall cause a copy of the agreement and any amendments to the agreement to be filed with the local agency formation commission in each county within which all or any part of a local agency member's territory is located.

(b) Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which fails to file the notice with a local agency formation commission required by this section on or before July 1, 2017, shall not thereafter, and until those filings are completed, issue any bonds or incur indebtedness of any kind.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.