

Date of Hearing: September 12, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 798 (Eduardo Garcia) – As Amended July 10, 2017

**SUBJECT:** Local government: counties: consolidation of offices.

**SUMMARY:** Allows Imperial County to convert the public administrator's office from an elected position to an appointed position and to consolidate the offices of public administrator and public guardian.

**The Senate amendments** strike the Assembly version of this bill and instead:

- 1) Allow the Imperial County Board of Supervisors, by ordinance, to convert the public administrator's office from an elected position to an appointed position.
- 2) Allow the Imperial County Board of Supervisors, by ordinance, to appoint the same person to the offices of public administrator and public guardian.
- 3) Contain an urgency clause and findings and declarations to support the bill's purpose.

**EXISTING LAW:**

- 1) Requires voters in each county to elect specified county officers, including the public administrator.
- 2) Allows county Boards of Supervisors to appoint several other officers, including the public guardian.
- 3) Allows county Boards of Supervisors to convert elected offices into appointed offices with voter approval.
- 4) Allows the Board of Supervisors of specified counties to provide, by ordinance, that the public administrator be appointed by the Board.
- 5) Allows the Boards of Supervisors of specified counties, by ordinance, to appoint the same person to the offices of public administrator and public guardian.

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Bill Summary.** This bill allows Imperial County to convert the public administrator's office from an elected to an appointed position, and allows Imperial County to appoint the same person to the offices of public administrator and public guardian. This bill contains an urgency clause and findings and declarations supporting the bill's purpose, and is sponsored by Imperial County.
- 2) **Author's Statement.** According to the author, "Imperial County is home to approximately 180,000 residents which live and work within its seven cities and eight unincorporated

communities...The Imperial County Public Administrator administers an average of 65 estates per year. In the County of Imperial, the Public Administrator also serves as the Public Guardian/Public Conservator...These positions combined currently manage a workload of more than 800 open cases. The current Imperial County Public Administrator has announced her retirement and the Board of Supervisors would like to convert the office to an appointed, rather than elected, position. Through this conversion, the vulnerable County residents who rely on the office for assistance would benefit from a quicker and smoother transition to a new Public Administrator."

- 3) **Background.** A public administrator manages the estate of persons who die without a will, with a contested will, or without an appropriate person to manage their estate according to the decedent's wishes. The duties of a public administrator include searching for next of kin, making arrangements for disposition of the decedent's body, and dealing with assets and debts of the decedent's estate.

A public guardian serves as the legally-appointed guardian or conservator for persons found by the courts to be unable to take care of themselves or their assets. These individuals are usually older, frail and vulnerable adults who are at risk or have been a victim of abuse or neglect. Duties of the public guardian can include creating a care plan, creating a financial plan, paying client expenses, dealing with assets and debts, and managing investments.

State law requires voters to elect 10 county officers, including the public administrator. Counties can appoint several other officers, including the public guardian. County supervisors can convert elected offices into appointed offices with voter approval, but a number of counties have sought legislation to accomplish this goal.

- 4) **Legislative Precedent.** The Legislature has allowed 14 counties to convert the public administrator's office from an elected to an appointed position: Mendocino County (SB 1814( Keene), Chapter 1577, Statutes of 1982), Lake County (SB 650 (Nielsen), Chapter 151, Statutes of 1985), Madera County (AB 3524 (Costa), Chapter 153, Statutes of 1990), Trinity County (AB 3352 (Gotch), Chapter 1152, Statutes of 1994), Solano County (AB 766 (Wiggins), Chapter 35, Statutes of 2000), Tuolumne County (AB 2717 (House), Chapter 227, Statutes of 2000), Glenn County (AB 209 (Dickerson), Chapter 13, Statutes of 2001), Napa County (SB 570 (Chesbro), Chapter 710, Statutes of 2003), Sonoma County (AB 1318 (Evans), Chapter 407, Statutes of 2005), Lassen County and Monterey County (SB 282 (Maldonado), Chapter 136, Statutes of 2005), Ventura County (AB 2343 (Caballero), Chapter 237, Statutes of 2008), Amador County (SB 113 (Local Government Committee), Chapter 332, Statutes of 2009), and Contra Costa County (SB 803 (DeSaulnier), Chapter 113, Statutes of 2014).

The Legislature also has allowed nine counties to consolidate the offices of public administrator and public guardian: Solano County (AB 766 (Wiggins), Chapter 35, Statutes of 2000), Glenn County (AB 209 (Dickerson), Chapter 13, Statutes of 2001), Sonoma County (AB 1318 (Evans), Chapter 407, Statutes of 2005), Lassen County and Monterey County (SB 282 (Maldonado), Chapter 136, Statutes of 2005), Ventura County and Kings County (AB 2343 (Caballero), Chapter 237, Statutes of 2008), Amador County (SB 113 (Local Government Committee), Chapter 332, Statutes of 2009), and Contra Costa County (SB 803 (DeSaulnier), Chapter 113, Statutes of 2014).

- 5) **Arguments in Support.** Imperial County, sponsor of this bill, writes, "(The) Board of Supervisors believes that through this conversion, the vulnerable County residents who rely on the office for assistance would benefit from a smoother transition to a trained and skilled public administrator that also provides consistency for the agency's staff. The counties who currently have the authority to appoint a public administrator gives a board the flexibility to better manage the concerns of their residents and organize themselves in an effective manner to do so."
- 6) **Arguments in Opposition.** None on file.
- 7) **Urgency Clause.** This bill contains an urgency clause and requires a 2/3 vote of each house.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Imperial County [SPONSOR]

**Opposition**

None on file

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