

Date of Hearing: January 13, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Brian Maienschein, Chair

AB 1362 (Gordon) – As Amended January 4, 2016

SUBJECT: Mosquito abatement and vector control districts: board of trustees: appointment of members.

SUMMARY: Establishes an appointment process for the board of trustees of a mosquito abatement and vector control district that is located within a single county and contains both incorporated territory, including every city in the county, and unincorporated territory, as specified. Specifically, **this bill:**

- 1) Requires, within 30 days of formation, the board of trustees of a mosquito abatement and vector control district that is located entirely within a single county and contains both incorporated territory, including every city within the county, and unincorporated territory to be appointed as follows:
 - a) Authorizes the county board of supervisors to appoint one person;
 - b) Authorizes a city selection committee to appoint up to the total number of trustees as there are incorporated cities within the district; and,
 - c) Requires the board of supervisors to appoint additional trustees, if the appointments listed in a) and b), above, result in a less than five-member board.
- 2) Makes other technical changes.

EXISTING LAW:

- 1) Establishes the Mosquito Abatement and Vector Control District Law, which requires a legislative body of at least five members known as the board of trustees to govern every mosquito abatement and vector control district.
- 2) Requires a board of trustees to be appointed within 30 days after the effective date of the formation of a district, as follows:
 - a) In a district that is located in a single county and contains only unincorporated territory, the board of supervisors shall appoint five persons to the board of trustees;
 - b) In a district that is located entirely within a single county and contains both incorporated territory and unincorporated territory, the board of supervisors may appoint one person to the board of trustees, and the city council of each city that is located in whole or in part within the district may appoint one person to the board of trustees;
 - c) In a district located in more than one county that contains only unincorporated territory, the board of supervisors of each county may appoint one person to the board of trustees; and,

- d) In a district located in two or more counties and contains both incorporated territory and unincorporated territory, the board of supervisors of each county may appoint one person to the board of trustees and the city council of each city located whole or part in within the district may appoint one person to the board of trustees.
- 3) Specifies that each trustee appointed by a board of supervisors or a city council must be a voter in the area that is appointing them and a resident of the portion of the area they are representing.
- 4) Authorizes a board of trustees to adopt a resolution requesting that the board of supervisors of any county that contains territory within the district to increase or decrease the number of members on the board of trustees who represent the unincorporated territory of that county, and requires that within 60 days of receiving the resolution the board of supervisors order the increase or decrease.
- 5) Requires that a city selection committee be created by the mayors in any county in which two or more cities are incorporated for the purpose of appointing city representatives to boards, commissions, and agencies as required by law, the membership of which shall consist of the mayor of each city within the county.

FISCAL EFFECT: None

COMMENTS:

- 1) **Mosquito Abatement and Vector Control Districts.** There are 65 mosquito abatement and vector control districts in California. Mosquito abatement and vector control districts stand as guardians against epidemics, public health emergencies, and economic disasters. These districts have a long history of applying science to counter public health threats, and continue to do so as Californians face threats like the West Nile virus.

In 2002, the Senate Local Government Committee appointed a "Working Group on Revising the Mosquito Abatement District Law" to update the law which had not undergone a comprehensive review since 1939. The working group agreed to maintain the method of appointing trustee boards, but changed the method for increasing or decreasing the size of boards. Due to the rewrite in 2002, current law authorizes a board of trustees to change a board's size by directing a county board of supervisors to increase or decrease the number of trustees representing the unincorporated area of the county. The working group rejected draft language that would have allowed the underlying city councils and county board of supervisors to trigger changes in the size of the board of trustees.

- 2) **Bill Summary.** Existing law establishes an appointment process for a mosquito abatement and vector control district, which must be done within 30 days of the effective date of formation. Each district must have at least five trustees; however the appointment process established by current law determines city and county appointments based on the territory contained in the district. If a district includes a part of a city or county, that respective governing body is authorized to make an appointment. This leads to a large variation in the size of a mosquito abatement and vector control district board of trustees.

This bill establishes an appointment process for a newly formed mosquito and vector control district that has all of the following characteristics: a) the district is located in a single county; b) the district contains incorporated territory, including *every city* in the county; and, c) the district contains unincorporated territory. Under the appointment process established by this bill, the county board of supervisors may appoint one person to the board of trustees, and the city selection committee to appoint *up to* the total number of trustees as there are incorporated cities within the county.

- 3) **Author's Statement.** According to the author, "Unlike most special districts, which are typically governed by five-member boards, mosquito abatement districts can have very large governing boards due to this structural appointment process. For instance, in San Mateo County there are 20 incorporated cities, and in Orange County there are 34 cities. The addition of one representative from the board of supervisors results in a very large board composition for these counties – 21 members in San Mateo and 35 in Orange County.

"This existing appointment process is suitable for some mosquito and vector control districts that are smaller in size; however, the over 50 mosquito districts throughout the state are all different. Large boards are more difficult to manage efficiently and less transparent. Appointees to a mosquito district board serve either two or four year terms, calling for regular reappointments or replacements. Many cities struggle to identify and vet candidates in a timely manner from a small pool of individuals. This results in consistent vacancies and significant turnover.

"AB 1362 would grant a mosquito abatement district which has countywide boundaries the option to utilize its existing city selection committee to appoint Trustees to the district, rather than each city council doing so independently. This reduces pressure on each individual city to appoint a representative, and increases collaboration between neighboring cities by authorizing the city selection committee to make shared decisions on local governance. Additionally, AB 1362 would provide the city selection committee with the ability to determine the size of the mosquito district board. This process adds an additional level of oversight and accountability to the appointment process, while retaining the city councils' authority to appoint members. Other benefits include reducing the costs associated with meeting expenses and stipends for each member's service, streamlining board communication, reducing duplicative work, and providing more transparency on the Board's representation and decision-making."

- 4) **Policy Considerations.** The Committee may wish to consider the following in order to better align the Author's stated intent with the language contained in the bill:
- a) If the author's intent is to provide mosquito abatement and vector control districts with the option to use a city selection committee process to determine city appointments, the Committee may wish to make the provisions of this bill clearly permissive.
 - b) If the author's intent is to allow existing districts to use this new appointment method, then the Committee may wish to make that clear in the provisions of the bill.
 - c) If the author's intent is to allow for a decrease in the size of an existing board of trustees, the Committee may wish to consider the following:

- i) What will the process be to determine if a city selection committee will make the city appointments and which governing body will make that determination? Current law grants flexibility to a board of trustees to change the size of a board by ordering an increase or decrease to the number of trustees representing the unincorporated area of a county. The author may wish to consider the role trustee boards should have in determining the size of their board given this provision in current law.
 - ii) Will there be adequate representation among cities? The Committee may wish to ensure that there will be adequate representation among all cities, especially if the number of city appointments is less than the number of cities within the district. The city selection committee process for some special districts requires appointments to alternate between cities or guarantees seats among geographic groupings to ensure diverse and fair representation.
 - iii) Is there evidence of a statewide problem? This bill affects districts that are located in a single county and contain incorporated territory, including *every city* within the county, and unincorporated territory. There are an estimated 10 districts in the state in this category.
- 5) **Prior Legislation.** AB 991 (Devore) of 2005 would have reduced the size of the Orange County Vector Control District's board of trustees to 11 members, and would have required the Orange County Board of supervisors to appoint one trustee and the Orange County City Selection Committee to appoint ten members, as specified. AB 991 failed passage in this Committee.
- 6) **Arguments in Support.** According to Supervisor Don Horsley, "In San Mateo County, the existing countywide mosquito abatement district is comprised of 21 members – one representative from the Board of Supervisors and one representative from each of the 20 cities in the county. This is a very large board that can be difficult to manage and challenging for each jurisdiction to keep consistently filled with trustees. For instance, our board currently has four vacant seats. In addition, the recent history of the San Mateo County Mosquito District proved that a larger board does not necessarily offer greater oversight. Rather than completely overhauling the governance structure of this special district, creating the option of having a more focused representative board could produce a more effective management tool. In San Mateo County, I believe the appointment process outlined in AB 1362 would be a good fit for the board of trustees of the mosquito and vector control district."
- 7) **Arguments in Opposition.** According to the Mosquito and Vector Control Association of California, "The nexus of this proposal is reported to come from San Mateo County's concerns with the size of its district's board of trustees. However, as a statewide association comprised of over 60 member agencies, including many large urban districts with diverse populations, our members have not raised concerns as to the size of their board of trustees. In fact, 2015 marks the centennial anniversary of the creation of mosquito control districts in California, and we believe that the addition of a city selection process for trustee appointments is not necessary. As we continue to work with you on your concerns related by the San Mateo County Board of Supervisors, we believe that the issues in that specific county and district should be addressed on their own, as opposed to opening a governance structure that would be statewide."

REGISTERED SUPPORT / OPPOSITION:

Support

Supervisor Don Horsley, San Mateo County, 3rd District
Trustee Joe Galligan, San Mateo County Mosquito and Vector Control District

Opposition

Mosquito and Vector Control Association of California
Individual letter

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