

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 428

Introduced by Assembly Member Mayes

February 4, 2021

An act to amend ~~Section 56001~~ *Sections 25000 and 25300* of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 428, as amended, Mayes. ~~Local government planning. government: board of supervisors.~~

~~Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes certain findings and declarations relating to local government organizations, including, among other things, the encouragement of orderly growth and development, and the logical formation and modification of the boundaries of local agencies.~~

~~This bill would make nonsubstantive changes to these findings and declarations.~~

Existing law requires each county to have a board of supervisors and provides for the organization and powers of the board of supervisors. Existing law allows the board of supervisors of any general law or charter county to adopt or the residents of the county to propose, by initiative, limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Existing law also requires the board of supervisors to prescribe the compensation for all county officers.

This bill would require that, when term limits are imposed, the limit must be no fewer than 2 terms. This bill would specify that the board

of supervisors is included in the definition of county officers for whom the board of supervisors is required to prescribe compensation.

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 56001 of the Government Code is~~
2 ~~amended to read:~~
3 ~~56001. The Legislature finds and declares it is the policy of~~
4 ~~the state to encourage orderly growth and development which are~~
5 ~~essential to the social, fiscal, and economic well-being of the state.~~
6 ~~The Legislature recognizes that the logical formation and~~
7 ~~determination of local agency boundaries is an important factor~~
8 ~~in promoting orderly development and in balancing that~~
9 ~~development with sometimes competing state interests of~~
10 ~~discouraging urban sprawl, preserving open-space and prime~~
11 ~~agricultural lands, and efficiently extending government services.~~
12 ~~The Legislature also recognizes that providing housing for persons~~
13 ~~and families of all incomes is an important factor in promoting~~
14 ~~orderly development. Therefore, the Legislature further finds and~~
15 ~~declares that this policy should be effected by the logical formation~~
16 ~~and modification of the boundaries of local agencies, with a~~
17 ~~preference granted to accommodating additional growth within,~~
18 ~~or through the expansion of, the boundaries of those local agencies~~
19 ~~that can best accommodate and provide necessary governmental~~
20 ~~services and housing for persons and families of all incomes in~~
21 ~~the most efficient manner feasible.~~
22 ~~The Legislature recognizes that urban population densities and~~
23 ~~intensive residential, commercial, and industrial development~~
24 ~~necessitate a broad spectrum and high level of community services~~
25 ~~and controls. The Legislature also recognizes that when areas~~
26 ~~become urbanized to the extent that they need the full range of~~
27 ~~community services, priorities are required to be established~~
28 ~~regarding the type and levels of services that the residents of an~~
29 ~~urban community need and desire; that community service~~
30 ~~priorities be established by weighing the total community service~~
31 ~~needs against the total financial resources available for securing~~
32 ~~community services; and that those community service priorities~~
33 ~~are required to reflect local circumstances, conditions, and limited~~

1 financial resources. The Legislature finds and declares that a single
2 multipurpose governmental agency is accountable for community
3 service needs and financial resources and, therefore, that agency
4 may be the best mechanism for establishing community service
5 priorities especially in urban areas. Nonetheless, the Legislature
6 recognizes the critical role of many limited purpose agencies,
7 especially in rural communities. The Legislature also finds, whether
8 governmental services are proposed to be provided by a
9 single purpose agency, several agencies, or a multipurpose agency,
10 responsibility should be given to the agency or agencies that can
11 best provide government services.

12 *SECTION 1. Section 25000 of the Government Code is*
13 *amended to read:*

14 25000. (a) Each county shall have a board of supervisors
15 consisting of five members. Not more than three members shall
16 be elected at the same general election. If the terms of office of
17 more than three members of the board expire at the same time, at
18 the first regular meeting after January 1st following their election
19 the members so elected shall so classify themselves by lot that
20 three members shall serve for four years, and two for two years.
21 Thereafter the term of office of each member shall be four years.

22 (b) Notwithstanding any other provision of law, the board of
23 supervisors of any general law or charter county may adopt or the
24 residents of the county may propose, by initiative, a proposal to
25 limit *to no fewer than two terms* or repeal a limit on the number
26 of terms a member of the board of supervisors may serve on the
27 board of supervisors. Any proposal to limit the number of terms
28 a member of the board of supervisors may serve on the board of
29 supervisors shall apply prospectively only and shall not become
30 operative unless it is submitted to the electors of the county at a
31 regularly scheduled election and a majority of the votes cast on
32 the question favor the adoption of the proposal.

33 *SEC. 2. Section 25300 of the Government Code is amended to*
34 *read:*

35 25300. The board of supervisors shall prescribe the
36 compensation of all county ~~officers~~ *officers, including the board*
37 *of supervisors*, and shall provide for the number, compensation,
38 tenure, appointment and conditions of employment of county
39 employees. Except as otherwise required by Section 1 or 4 of

- 1 Article XI of the California Constitution, such action may be taken
- 2 by resolution of the board of supervisors as well as by ordinance.

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