

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 13, 2010
POSITION: Oppose

BILL NUMBER: SB 1205
AUTHOR: E. Corbett

BILL SUMMARY: The Bay Area Post-Recovery Authority Act

Current law establishes the Association of Bay Area Governments (ABAG) as the comprehensive planning agency for the San Francisco Bay region. ABAG's mission is to strengthen cooperation and coordination among local governments and to address social, environmental, and economic issues that transcend local borders.

The Bay Area is defined as the nine counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The 101 cities and all nine counties within the Bay Area are voluntary members of ABAG, representing nearly all of the region's population.

This bill would establish the Bay Area Disaster Recovery Authority (Authority) and would require the Authority to create and maintain a long term regional disaster recovery plan for the Bay Area. The Authority's jurisdiction would be congruent to that of ABAG, and it would be governed by a board of directors appointed by ABAG, consisting of:

- All members of the ABAG Planning Committee (ex-officio).
At least four members representing lifeline infrastructure districts such as water and wastewater, power and energy, telecommunications, and transit.
A member representing a school district or county board of education.
A member representing a nonprofit service delivery agency.
A member of the Bay Area Super-Urban Area Security Initiative.
At least four members representing private sector business, economics, and planning organizations.

This bill would authorize the Authority to engage counsel, enter into contracts and joint powers agreements, but would not permit the Authority to have employees or acquire property. The duties of the Authority would be performed by interim or temporary employees furnished by state agencies or ABAG member governments. The Authority is to be funded by federal, state and private sector grants and private donations, and would be prohibited from levying fees, taxes or assessments.

This bill would sunset January 1, 2030.

FISCAL SUMMARY

Should the grants and donations contemplated by this bill be insufficient to enable the Authority to perform its functions, a claim of mandate might arise, which, if sustained by the Commission on State Mandates (COSM), could have a significant, though presently unquantifiable state General Fund impact.

The potential mandate would be created by the requirement that ABAG member governments furnish employees to perform work for the Authority.

COMMENTS

Analyst/Principal Date Program Budget Manager Date
(0762) C. Hill Mark Hill

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

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Finance opposes this bill for the following reason:

- This bill could result in a claim of mandate which, if sustained by COSM, could have a significant, though presently unquantifiable, state General Fund impact.

The bill contains language, beginning on Page 10, Line 37, stating no reimbursement is necessary because the State Constitution allows local agencies to levy service charges, fees, or assessments to pay for programs such as that mandated by this bill. This provision is rendered moot, however, by the language on Page 10, Lines 28-31, that states the Authority shall not levy taxes, assessments, or fees.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP						
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012
0001/Major Rev	SO	No		----- See Fiscal Summary -----				0001