



June 8, 2018

Reply to: Alice Fredericks
Chair, Legislative Committee
MCCMC Tiburon Town Hall
1505 Tiburon Blvd
Tiburon, CA 94920

Senator Richard Pan, Chair
Senate Public Employment and Retirement Committee
1020 N Street, Room 568
Sacramento, CA 95814
Fax: (916) 651-4906

RE: AB 1912 (Rodriguez). Public Employees' Retirement: Joint Powers Agreements: Liability.
Notice of Opposition (as amended 05/09/2018)

Dear Senator Pan,

The Marin County Council of Mayors and Councilmembers (MCCMC) must respectfully oppose Assembly Bill (AB) 1912 (Rodriguez) relating to retirement liabilities of Joint Powers Authorities (JPA). JPA's play a vital role in addressing public needs that cannot be effectively achieved by local agencies acting on their own. MCCMC is deeply concerned that JPAs will no longer be a viable tool should AB 1912 become law, as it places substantial burdens and costly unworkable requirements on local agencies. .

As amended, AB 1912 still creates constitutional, fiscal and operational challenges, which would effectively eliminate the ability for use to create or maintain the use of most JPA's. The bill also directly conflicts with the provisions of the California State Constitution.

The bill applies to all public retirement systems which are unlike other forms of traditional debts and liabilities. Unfunded retirement liabilities are particularly volatile and can grow to insurmountable costs based on no fault of the agencies who contract with a retirement system for health and pension benefits. The measure would hold all agencies of a JPA accountable for the investment shortfalls and other assumptions changes made by the retirement agencies even if the agencies are able to pay the lump sum amount of the current unfunded liability from the JPA.

JPA's have been in existence in California for nearly 100 years with state and local agencies. Some JPAs have as many as 500 members entering and exiting as service demands shift and evolve. It would be virtually impossible for the JPA's governmental body, let alone a retirement system, to assign equitable retirement specific liabilities to potentially hundreds of agencies. This vague and ambiguous direction demonstrates a fundamental misunderstanding of the formation, management and purpose of a JPA.

JPAs are tools state and local government agencies use to address service demands and infrastructure needs in a cost effective manner. Removing this tool makes it that much more problematic to address statewide critical issues such as housing, transportation, water, air quality, workforce development, public safety, and much more.

Respectfully,

Alice Fredericks, Chair
Legislative Committee
Marin County Council of Mayors and Councilmembers

cc:

The Honorable Freddie Rodriguez, California State Assembly

Senator McGuire

Assembly member Levine

Nancy Hall Bennett, Regional Public Affairs Manager, nbennett@cacities.org

Meg Desmond, League of California Cities, CityLetters@cacities.org

David Jones, david@emanuelsjones.com