



June 8, 2010

The Honorable Hector De La Torre
California State Assembly
P.O. Box 942849
Sacramento, CA 94249-0050

Re: AB 1955 (De La Torre)
Position: OPPOSE

Dear Mr. De La Torre:

On behalf of our below-mentioned clients, I write to inform you of their opposition to your AB 1955. Our clients believe that the existing framework of statutory and common law provides sufficient discretionary enforcement authority to the attorney general and the applicable district attorney. As written, your measure imposes a rigid set of *ipso facto* determinations of what constitutes incompatible offices. The complex web of local government entities in this state, many of which have overlapping taxing, litigation, and eminent domain authorities, is impossible to unravel in a tidy statutory scheme as you suggest in AB 1955. Instead of denying office to those who may seek personal gain the bill will scare-off those persons eager to serve in local public office with honor and integrity.

Clients In Opposition to AB 1955

Kings River Conservation District
Sacramento Area Flood Control Agency
San Gabriel Basin Water Quality Authority
San Luis & Delta-Mendota Water Authority

Discussion

The Legislature adopted English common law in 1850. Section 2 of SB 274 (Chapter 254, Statutes of 2005) codified the common law doctrine of incompatible offices in Government Code Section 1099. The referenced language from SB 274 of 2005 is set forth below.

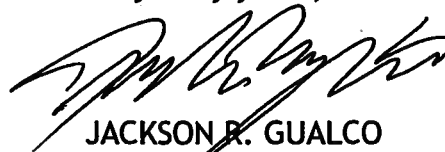
770 L Street, Suite 1440
Sacramento, California 95814-3396
(916) 441-1392
Fax: (916) 446-6003
E-mail: tgg@gualcogroup.com
www.gualcogroup.com

Nothing in this act is intended to expand or contract the common law rule prohibiting an individual from holding incompatible offices. It is intended that courts interpreting this act shall be guided by judicial and administrative precedent concerning incompatible public offices developed under the common law.

Our clients believe that AB 1955, although premised on the notion of clarity, represents a significant expansion of the common law and, as such, removes what we believe to be necessary discretion and circumstances-specific review on the part of the attorney general and the relevant district attorney.

We appreciated the opportunity to meet with your staff and the sponsor last week. We explored various options but it soon became clear that it would be near impossible to craft a bill that responds in a meaningful way to the variety of situations statewide. Unfortunately, our clients are left with no option but to oppose your measure.

Very truly yours,



JACKSON R. GUALCO
President

cc: Honorable Chair and Members of the Senate Committee on Local Government
Mr. Peter Detwiler
Mr. Ryan Eisberg
Mr. Juan Carlos Torres
Ms. Lourdes Morales
Ms. Jennifer R. Klein
Mr. William Weber
Mr. Ron Davis
Ms. Jennifer West
The Gualco Group, Inc.