



# Agenda

## LEGISLATION COMMITTEE

April 6, 2009  
10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Susan A. Bonilla, District IV, Chair  
Supervisor Mary N. Piepho, District III, Vice Chair

### Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Accept public comment on any item under the jurisdiction of the Committee and not on this agenda. (Speakers may be limited to three minutes.)**
3. **Review Record of Action: March 4, 2009**
4. **Summary of Advocacy Meetings in Washington, D.C.**
5. **Review State Budget Update and Economic Stimulus Information - Presenters: Cathy Christian and Lara DeLaney**
6. **Receive Update on Status of 2009 State and Federal Legislation- Presenter: Lara DeLaney**
7. **Receive Memo from County Counsel on Recent Amendments to the Ralph M. Brown Act (Open Meeting Law) - Presenter: Lara DeLaney**
8. **Adjourn to the next regular meeting scheduled for Monday, May 4, 10:30 AM in Room 101**

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☞ Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 11th floor, during normal business hours.

ⓧ Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

### For Additional Information Contact:

Lara DeLaney, Committee Staff  
Phone (925) 335-1097 Fax (925) 335-1098  
[ldela@cao.cccounty.us](mailto:ldela@cao.cccounty.us)

## Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
BAAQMD	Bay Area Air Quality Management District	Lamorinda	Lafayette-Moraga-Orinda Area
BART	Bay Area Rapid Transit District	LAFCo	Local Agency Formation Commission
BCDC	Bay Conservation & Development Commission	LLC	Limited Liability Company
BGO	Better Government Ordinance	LLP	Limited Liability Partnership
BOS	Board of Supervisors	Local 1	Public Employees Union Local 1
CALTRANS	California Department of Transportation	LVN	Licensed Vocational Nurse
CalWIN	California Works Information Network	MAC	Municipal Advisory Council
CalWORKS	California Work Opportunity and Responsibility to Kids	MBE	Minority Business Enterprise
CAER	Community Awareness Emergency Response	M.D.	Medical Doctor
CAO	County Administrative Officer or Office	M.F.T.	Marriage and Family Therapist
CCHP	Contra Costa Health Plan	MIS	Management Information System
CCTA	Contra Costa Transportation Authority	MOE	Maintenance of Effort
CDBG	Community Development Block Grant	MOU	Memorandum of Understanding
CEQA	California Environmental Quality Act	MTC	Metropolitan Transportation Commission
CIO	Chief Information Officer	NACo	National Association of Counties
COLA	Cost of living adjustment	OB-GYN	Obstetrics and Gynecology
ConFire	Contra Costa Consolidated Fire District	O.D.	Doctor of Optometry
CPA	Certified Public Accountant	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPI	Consumer Price Index	OSHA	Occupational Safety and Health Administration
CSA	County Service Area	Psy.D.	Doctor of Psychology
CSAC	California State Association of Counties	RDA	Redevelopment Agency
CTC	California Transportation Commission	RFI	Request For Information
dba	doing business as	RFP	Request For Proposal
EBMUD	East Bay Municipal Utility District	RFQ	Request For Qualifications
EIR	Environmental Impact Report	RN	Registered Nurse
EIS	Environmental Impact Statement	SB	Senate Bill
EMCC	Emergency Medical Care Committee	SBE	Small Business Enterprise
EMS	Emergency Medical Services	SWAT	Southwest Area Transportation Committee
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPAC	Transportation Partnership & Cooperation (Central)
et al.	et ali (and others)	TRANSPLAN	Transportation Planning Committee (East County)
FAA	Federal Aviation Administration	TRE or TTE	Trustee
FEMA	Federal Emergency Management Agency	TWIC	Transportation, Water and Infrastructure Committee
F&HS	Family and Human Services Committee	UCC	Urban Counties Caucus
First 5	First Five Children and Families Commission (Proposition 10)	VA	Department of Veterans Affairs
FTE	Full Time Equivalent	vs.	versus (against)
FY	Fiscal Year	WAN	Wide Area Network
GHAD	Geologic Hazard Abatement District	WBE	Women Business Enterprise
GIS	Geographic Information System	WCCTAC	West Contra Costa Transportation Advisory Committee
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

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## Schedule of Upcoming BOS Meetings

April 7, 2009  
 April 21, 2009  
 April 28, 2009

**Legislation Committee**  
**Supervisor Susan A. Bonilla, Chair**  
**Supervisor Mary N. Piepho, Vice Chair**

**Record of Actions**

**March 4, 2009**

**10:30 a.m.**

**Room 108, 651 Pine Street, Martinez**

**1. Introductions**

The meeting was called to order by Chair Bonilla. Supervisor Piepho was not in attendance due to a Delta water advocacy meeting in Sacramento. Staff and the public introduced themselves.

**2. Public Comment**

None.

**3. Record of Action of Dec. 15, 2008 and February 2, 2009 Meetings**

Supervisor Bonilla had no changes.

**4. State Budget Update and Economic Stimulus Proposals**

The report was provided by Lara DeLaney, CAO staff, and Cathy Christian (via conference call), state advocate. Cathy reported on the federal stimulus bill and its impacts on the State budget, with respect to the Medicare funding and the “trigger cuts.” The legislature must address the problem created by the FY 08-09 State budget health care trailer bill and the Medicare eligibility determination in order for California to realize federal stimulus funding for FMAP. The County should advocate for the necessary change. Supervisor Bonilla inquired about the impact of the “trigger cuts” on Contra Costa County. Dr. Walker indicated that there could be as much as \$3 M at stake for the County’s Safety Net Care Pool funds if the \$10 B federal funds threshold to avoid cuts is not reached.

Supervisor Bonilla requested information about funding in the federal stimulus bill for community clinics; she also inquired about the clinics’ eligibility for the electronic records funding. In addition, Supervisor Bonilla requested that Joe Valentine be contacted for an estimate of the impacts of the trigger cuts on his department, EHSD.

Jim Gross (via conference call) discussed the process for determining whether the threshold federal funds would be met to avoid the trigger cuts. The County’s provision of optional benefits for Medi-Cal would have to be considered if the cuts are made. Jim would provide information on the stimulus funds for clinics.

Also discussed was the May 19 Special Election and the campaigns underway. In addition, Cathy mentioned the deferred payments from the State. The State Controller would begin releasing payments deferred from February around March 13. Full repayment for deferred payments were anticipated by month's end.

**5. Advocacy Services for Indian Gaming**

Ms. DeLaney provided the report, summarizing the written staff report and the recommendation for a contract amendment for Ms. Sara Hoffman. Supervisor Bonilla indicated she would refer to the County Administrator for his analysis any request beyond the \$5,000 contract amendment.

**6. Review Grant Opportunity Information**

Ms. DeLaney provided the report, summarizing the written staff report. Supervisor Bonilla indicated that she would like to have a discussion around partnering with non-profits/community organization and consideration for the establishment of a foundation on the lines of the "Meals on Wheels" or CCHP foundations, for the purposes of fundraising for County programs. Supervisor Bonilla suggested that this matter be referred to the Finance Committee, as it involves revenue generation.

**7. Receive Update on Status of 2009 State and Federal Legislation**

Ms. DeLaney provided the report, noting that three additional legislative proposals were received that morning from the Elections department. She provided copies of the proposals.

**8. Adjourn to the next regular meeting scheduled for Monday, April 6, 10:30 a.m.**

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
*Supervisor Susan A. Bonilla, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Legislative Coordinator 

DATE: April 1, 2009

SUBJECT: **Agenda Item #4: Summary of Advocacy Meetings in Washington, D.C.**

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**RECOMMENDATION**

RECEIVE the report and discuss impacts to Contra Costa County.

**BACKGROUND**

Each year, the Chair and Vice Chair of the Board of Supervisors travel to Washington, D.C., along with the Legislative Coordinator, to advocate for funding for projects included in the County's Federal Legislative Platform.

This year, the trip was planned to coincide with the National Association of Counties (NACo) Legislative Conference. The Vice Chair, however, was unable to attend due to prior commitments. Fortunately for the County, because Supervisor Glover and Dr. Walker were scheduled to be in Washington, D.C. for NACo and other association meetings, they were able to attend some of the advocacy meetings scheduled with our congressional delegation.

All in all, it was a successful trip because relationships with our Congressional delegation and their staff, as well as key committee staff, were advanced. The County is well-positioned by this trip to secure much-needed financial assistance for our requested projects.

The attached documents include the following:

1. The Itinerary of meetings
2. Meeting notes
3. A copy of the appropriations request submitted for COPS funding, as requested by Congresswoman Tauscher

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS CONSULTANTS

CONTRA COSTA COUNTY  
WASHINGTON ITINERARY

TUESDAY, MARCH 10

WEDNESDAY, MARCH 11 AND THURSDAY, MARCH 12

Supervisor Susan Bonilla, Chairman  
Supervisor Federal Glover  
Lara DeLaney, Senior Management Analyst  
Paul Schlesinger, Alcalde & Fay

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Tuesday, March 10th

11: 15 am    **The Honorable Barbara Boxer (Note meeting time change)**  
112 Hart Senate Office Building  
202-224-3553  
Danielle Leone, Legislative Assistant

Wednesday, March 11<sup>th</sup>

10:15am    **Pre-Meeting Briefing in Rayburn House Office Building**  
**Cafeteria**  
Basement Level of Rayburn Building

11:00am    **Taunja Berquam, Majority Professional Staff**  
House Appropriations Subcommittee on Energy & Water  
2362-B Rayburn House Office Building  
202-225-3421

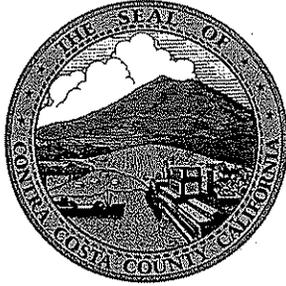
2:30 pm    **Congresswoman Ellen Tauscher\* (Note meeting time change)**  
**Paul Schmid, Chief of Staff**  
**Jennifer Barton, District Director**  
2459 Rayburn House Office Building  
202-225-1880

3:30pm    **Congressman Jerry McNerney**  
**Andrew Horowitz, Legislative Director**  
**Eric Halstrom, Legislative Assistant**

312 Cannon House Office Building  
202-225-1947

Thursday, March 12<sup>th</sup>

- 10:00am**      **Bill Richard, Chief of Staff**  
Office of the Honorable Jim Oberstar, Chairman, Committee on  
Transportation & Infrastructure  
2365 Rayburn House Office Building  
202-225-6211
- 10:45am**      **Congressman George Miller**  
**Daniel Weiss, Chief of Staff**  
2205 Rayburn House Office Building  
202-225-2095
- 1:30pm**      **Ryan Hunt, Appropriations Legislative Assistant**  
Office of the Honorable Dianne Feinstein  
331 Hart Senate Office Building  
202-224-3841
- 2:00pm**      **Susan Binder, Majority Senior Policy Advisor**  
**Kathy Dedrick, Majority Senior Policy Director for**  
**Transportation**  
Senate Environment and Public Works Committee  
410 Dirksen Senate Office Building  
202-224-8832
- 3:00pm**      **Roger Cockrell, Majority Professional Staff**  
Senate Energy & Water Appropriations Subcommittee  
186 Dirksen Senate office Building  
202-224-8119



## **Notes from Washington D.C. Trip March 10, 11 and 12, 2009**

*Attendees: Supervisor Susan Bonilla, Chair of Board; Supervisor Federal Glover; Dr. William Walker, HSD Director; Jill Ryan, Special Assistant to Supv. Bonilla; Lara DeLaney, Legislative Coordinator; Paul Schlesinger and Anne Cullather, federal advocates with Alcalde & Fay.*

### **1. Senator Barbara Boxer**

- The Senator reported that she and her colleagues were working to pass the FFY 2009 Omnibus budget bill, even as we were meeting. A vote on the bill was imminent; she was confident it would pass.
- Supervisor Bonilla expressed appreciation for support of our projects in the Omnibus and requested additional support for our FFY 2010 projects, specifically citing the Delta LTMS and "Safe and Bright Futures."
- Supervisor Glover addressed the support needed for Vasco Road, emphasizing the local funds that had been committed to the project.
- Boxer staff asked about the impact of the Clean Water Act on the Delta LTMS effort.
- Senator Boxer complimented the County for retaining Paul Schlesinger, of whom she thought highly.

### **2. Taunja Berquem, House Approps Subcommittee on Energy and Water**

- Taunja inquired about the impact of the channel projects on transportation congestion relief efforts and whether transportation planning efforts considered the waterways.
- Supervisor Bonilla emphasized the impact of channel deepening and dredging on the ability of ships to use the Bay for transport of goods between ports, removing truck traffic between Valley and Bay Area.

3. Congresswoman Ellen Tauscher (unavailable): Paul Schmid (Chief of Staff) and Jennifer Barton (District Director)

- Supervisor Bonilla discussed the anticipated impact of federal stimulus funds on Contra Costa.
- Supervisor Bonilla provided a briefing on the state of the County budget.
- Paul Schmid discussed the Congresswoman's and her staff's efforts to get Corps staff dedicated to progress on our projects through communication with Corps Colonel Chapman.
- Paul Schmid requested that we submit an appropriations request for COPS funding by Tuesday for the FFY 2010 budget. The Congresswoman is eager to support requests, particularly related to methamphetamine eradication programs. (*See attached.*)

4. Bill Richard, Chief of Staff, Office of Honorable Jim Oberstar (Chair, Committee on Transportation and Infrastructure)

- Congressman Oberstar popped into the waiting room, so introductions were made by Mr. Schlesinger. Supervisor Bonilla commented on the connection of CAO David Twa with Minnesota, the Chairman's home. The Congressman recalled a Twa family in his hometown!
- Supervisor Bonilla reviewed the projects on the County's list for SAFETEA-LU Reauthorization with Mr. Richard, emphasizing the social justice aspects of the North Richmond Truck Route project, the safety aspect of the Vasco Road project, and the pedestrian/bike benefits of the Carquinez Scenic Drive Trail project.

5. Congressman Jerry McNerney (with Andrew Horowitz, Leg. Director, and Nick Holder)

- Discussion of Delta issues with the Congressman, who has a strong interest in the issue, evidenced by a Press Release in January related to the Delta and its ecosystem: needing to have decisions made with sound science, and questioning building the PC before other options explored.
- Supervisor Bonilla reviewed the projects the County is requesting support for in FFY 2010 budget.

6. Congressman George Miller and Justin Long, Legislative Director

- Congressman Miller asked about the issue of funding for medical services for undocumented workers. Dr. Walker discussed the proposal to cut funding, which was to be discussed by the Board of Supervisors at their next meeting. Dr. Walker discussed the necessary partnership with the community clinics and other area hospitals and the developing plan to address these medical needs. The Congressman was pleased that the County had an effort underway to build partnerships to share the cost of services to that population and understood the budget challenges the County was facing.
- Dr. Walker reported good news on the stabilization of Doctors Hospital.
- Supervisor Bonilla discussed the need to use the Service Integration Team (SIT) model to address social service needs at schools—at locations where families can more easily access services. Supervisor Bonilla would like to follow-up with a meeting about this when the Congressman is back in his district.
- Much discussion about stimulus bill and its workforce development funding, especially as it relates to youth employment. Also, the Congressman discussed his big push for additional funding in the federal budget for national service programs, like AmeriCorps.

7. Senator Dianne Feinstein (Ryan Hunt, Approps Leg. Assistant)

- Ryan reported that it was unlikely the Senate would do a WRDA reauthorization bill in 2009.
- Ryan stressed the importance of local government providing details of the impacts of the stimulus funding. Statistics, quantifiable data, was most important to convey the impacts. Supervisor Bonilla responded that we would happily comply with that request, as the funds were much needed and welcomed.
- Supervisor Bonilla reviewed the projects the County is requesting support for, emphasizing the importance of the Delta projects, particularly the levees.

8. Susan Binder, Majority Senior Policy Advisor, and Kathy Dedrick, Majority Senior Policy Director for Transportation (Senate Environment and Public Works Committee)

- Supervisor Bonilla reviewed the list of projects for SAFETEA-LU Reauthorization.
- Susan Binder asks about the Highway Safety Improvement Program and whether Vasco Road had completed for those funds, as it was seemingly a good candidate project.

9. Roger Cockrell (D), Senate Approps Sub. On Energy and Water

- Roger discussed the \$1 billion included in the stimulus bill for dredging projects, which could mean funding for some of our dredging projects.
- Roger anticipated that work would begin on the next Energy and Water bill in June or July.

**Follow-up:**

- 1. Find out results of meetings regarding Indian Gaming.**
- 2. Send Thank-You notes.**
- 3. Provide Supervisor Bonilla with pictures.**
- 4. Gather information about impact of Stimulus funds on County programs/residents.**

## **Office of Congresswoman Ellen Tauscher FY 2010 Appropriations Request Worksheet**

Please complete this request form in its entirety and return it to the appropriate staffer listed below in Congresswoman Tauscher's Washington, D.C. office by Friday, February 27, 2009. Please contact Congresswoman Tauscher's office at 202-225-1880 with additional questions.

### **Project Information**

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1. Project Title: (MESP) Methamphetamine Eradication and Suppression Program
2. Requested by (city/town/org) Contra Costa County
3. Administrative Contact: Sheriff Warren E. Rupf, Contra Costa County  
Operations Contact: Captain Daniel E. Terry, Investigation Division Commander
4. Administrative Phone Number: (925) 335-1510      Fax Number: (925) 335-1691  
Operations Phone Number: (925) 313-2691      Fax Number: (925) 313-2751
5. Email Address: Dterr@so.cccounty.us
6. Washington Contact: Paul Schlesinger
7. Washington Contact Phone Number: (703) 508-6700
8. Washington Contact Email Address: schlesinger@alcalde-fay.com

### **Budget Information**

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9. Amount Requested: \$739,000
10. Appropriations Bill & Account (Be specific as possible, include Program Element Number if relevant): CJS – Department of Justice – COPS – Methamphetamine Initiative
11. Amount Requested in President's Budget (if applicable): N/A
11. Any previous federal funding (list amount and fiscal year)
12. Total Project Cost      \$739,000
14. Projected Additional Funding Sources to reach total project cost: At the present time, Contra Costa County is attempting to identify additional funding sources to expand their investigative operations to eradicate methamphetamine in Contra Costa County, while working in a multi-jurisdictional format with local, State and Federal law enforcement agencies.

## **Project Description**

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15. Please provide a one to two paragraph description of the project, how the funding would be used, how it would be beneficial to the community, and any additional background information on why the project should be considered for federal funding. For DoD projects, please describe importance to national security and sponsor information.

Contra Costa County is the ninth largest county in the State of California with a population in the most recent census of 1,029,377. Contra Costa County is traversed by major traffic corridors running through its boundaries. Interstate Highway 80, along with State Highway 4 and 680, combine to generate a high volume of vehicle traffic and have been identified as major thoroughfares and underground trade routes in the transportation and distribution of methamphetamine throughout the Bay Area. In addition, Contra Costa County is located near both the Oakland and San Francisco International Airports and the Port of Oakland facilities; all utilized to smuggle illegal drugs into the Bay Area.

Recent high-profile investigations have demonstrated a definitive pattern of large amounts of methamphetamine being transported into and through Contra Costa County from Mexico, via Southern California or direct from Mexico. Intelligence developed during the last three years has clearly identified Contra Costa County as a distribution hub for the Pacific Northwest region, as well as large east coast cities.

The abuse of methamphetamine continues to be one of the most serious threats to the health and well-being of the citizens of Contra Costa County, impacting both the County's Health and Social Services Departments. Violent Crime, associated with methamphetamine, continues to be a law-enforcement problem where a significant percentage of homicides and gang warfare are tied to the sales and distribution of methamphetamine.

The Office of the Sheriff maintains a Specialized Investigations Unit that targets mid- to high - level methamphetamine manufacturers and distributors. This elite Unit is responsible for having seized over 100 pounds of methamphetamine, over 10 pounds of cocaine and assets valued at over \$650,000 in the last two years. This Unit is working in a primary capacity with both State and Federal agencies on high-level wire-tap investigations.

The Office of the Sheriff is currently faced with the inevitable position of being forced to lay off Deputy Sheriffs due to the County's current fiscal crisis. Should layoffs occur, this Unit would be forced to be disbanded in order for the Sheriff to staff mandated positions within the Agency.

The Office of the Sheriff Contra Costa County is seeking funds to continue its Specialized Investigations Unit's efforts and honor its commitments to the multi-jurisdictional effort through the Cal-MMET program. Funds from this program would be utilized to maintain staffing of four full-time Detectives in this critical investigative component of the Investigation Division.

Without this funding, significant accomplishments and inroads made in the methamphetamine drug-trafficking trade and organized crime industry will be lost. The impact of this will compromise interagency coordination and multi-jurisdictional investigations, heavily impacting public safety throughout Contra Costa County.

16. Please also provide a concise, two-sentence description of the project:

The Office of the Sheriff Contra Costa County is seeking funds in order to maintain its Specialized Investigative Units enforcement efforts targeting mid - to high - level methamphetamine manufacturers and distributors.

### ***Staff Contact List***

Simon Limage ([Simon.Limage@mail.house.gov](mailto:Simon.Limage@mail.house.gov))

Subcommittee on Military Construction-Veterans Affairs

Subcommittee on Defense

Subcommittee on Energy and Water (Energy Projects Only)

Subcommittee on Homeland Security

Subcommittee on State and Foreign Operations

Paul Schmid ([Paul.Schmid@mail.house.gov](mailto:Paul.Schmid@mail.house.gov))

Subcommittee on Energy and Water (Water Projects Only)

Subcommittee on Labor-HHS-Education (Labor and Education Projects Only)

Subcommittee on Transportation-HUD

Subcommittee on Interior and the Environment

Subcommittee on the Legislative Branch

Subcommittee on Agriculture

Roger Murry ([Roger.Murry@mail.house.gov](mailto:Roger.Murry@mail.house.gov))

Subcommittee on Commerce-Justice-Science

Subcommittee on Labor-HHS-Education (Health Projects Only)

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
*Supervisor Susan A. Bonilla, Chair*  
*Supervisor Mary N. Piepho, Vice Chair*

FROM: Lara DeLaney, Legislative Coordinator *LD*

DATE: April 1, 2009

SUBJECT: **Agenda Item #5: State Budget Update and Economic Stimulus Information**

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**RECOMMENDATION**

RECEIVE the report and discuss impacts to Contra Costa County.

DIRECT staff on advocacy efforts for federal stimulus funding for libraries and/or library services from the State Stabilization Fund.

**STATE BUDGET UPDATE**

In an article in the Sacramento Bee (4/1/09), it was reported that State Controller John Chiang has indicated that California has enough money to get through the end of the current fiscal year without additional borrowing from Wall Street. The news means the State will save an estimated \$15.4 million in interest it would have had to pay on short-term note sales.

In a letter to state Treasurer Bill Lockyer, Chiang said the State will enter April with \$1.1 billion in the bank and should have \$4.38 billion on hand when the fiscal year ends June 30. The controller had originally forecast California would end March about \$1.9 billion in the hole.

But Chiang said in the letter that three factors had combined to change the red ink to black:

- A bill signed by Gov. Arnold Schwarzenegger last Friday that will change State rules so it can collect an extra \$1.6 billion in federal funds for the Medi-Cal program.
- An extra \$1.35 billion in State special fund reserves that can be tapped for paying day-to-day bills.

- A \$500 million short-term loan from the Golden 1 Credit Union.

But Chiang also cautioned that if voters reject measures on the May 19 ballot that would provide about \$6 billion in extra revenues, or if the economy continues to sour, the State will be back in the hole again by June.

*From the Los Angeles Times*

### **California lawmakers weigh options for a potential fiscal 'doomsday'**

By Eric Bailey, April 1, 2009

Legislative leaders are weighing contingency plans for a potential fiscal "doomsday" if a slate of ballot measures designed to balance the state budget fails in the May 19 special election.

Gov. Arnold Schwarzenegger and the bipartisan team of lawmakers pushing the half-dozen propositions continue to insist that the campaign has just begun and can still be won despite a recent public opinion poll showing all but one measure trailing badly.

But, behind the scenes, elected leaders and staffers have begun brainstorming additional budget cuts that might be necessary. That effort comes little more than a month after Schwarzenegger signed a budget that slashed spending and raised taxes to fill a \$42-billion deficit.

The six ballot measures include several that would combine to pump nearly \$6 billion into the state's 2009-10 spending plan. Even with that revenue, the plunging economy has already dug a potential \$8-billion hole in next year's budget. If the propositions fail, the state could face a \$14-billion deficit that would grow by an additional \$16 billion if Proposition 1A doesn't pass, according to the nonpartisan legislative analyst's office.

Likely targets for deeper budget cuts include higher education, public schools, transportation, the prisons and healthcare, Capitol insiders say. The state also could move to siphon some of the property tax revenue that normally flows to municipalities.

The real-world effects could be grim. In Los Angeles County, thousands of teachers could face layoffs and class sizes would almost certainly rise, said Assembly Speaker Karen Bass (D-Los Angeles).

"If these initiatives do not pass," she said, "we are looking at cutting \$14 billion in programs."

### **Selling voters**

Bass and other officials who have thrown their weight behind the ballot measures

contend that, with seven weeks until election day, their battle is just beginning. With more than \$5 million in campaign cash and Schwarzenegger in election mode, they say they hope to sell voters on the need for the measures.

"Doomsday scenarios, that's one thing -- I think it's important to be honest with the people about what the consequences are," said Senate President Pro Tem Darrell Steinberg (D-Sacramento), a key backer of the propositions. "But I don't think it will be a campaign to scare people."

Meanwhile, lawmakers are considering their options in case voters stymie their budget plans. Public school financing is protected by voter-approved minimums, but that wouldn't stop further cuts if they were needed, lawmakers say. Colleges, with no guaranteed funding, would be an even more likely target.

Other areas partly protected by law could still face some cuts: the state's prisons, for example, which account for up to 12% of general fund spending.

Health and welfare programs, already severely reduced, could be whittled further, although the state must maintain certain funding levels to qualify for some of the more than \$30 billion in federal stimulus money flowing to California, said Assemblywoman Noreen Evans (D-Santa Rosa), who chairs the lower house budget committee.

Budget officials have privately been discussing establishing a series of triggers that, if the ballot measures fail, would reduce funding to certain programs depending on the depths of fiscal fallout.

That idea is already facing some resistance.

"I'm not a fan of automatically triggered cuts," Evans said. "I would rather we take a look at what the circumstances are, and make cuts based on what services Californians need to finish out the year -- things like unemployment, food stamps, job retraining."

Evans also isn't warming to suggestions that the state could slash voter-mandated transportation programs and divert revenue that normally would go to cities and counties, which have already cut spending dramatically.

"That's just a double whammy," she said.

### **Budgetary rancor**

The prospect of further budgetary rancor in the Capitol also could loom if the ballot measures fail. Last summer and again during the winter, negotiations dragged on for weeks as Republicans and Democrats quarreled over how to fill the deficit.

If more tax increases were to end up on the table after May 19, Evans said, another stalemate could develop. Tax hikes require a two-thirds vote of the Legislature, and Republicans -- some of whose votes would be needed for that -- have indicated they have given enough.

Evans said she shares concerns about raising taxes "during a difficult economic environment," but added that "there are certain services that Californians need and have come to expect."

### **It's Official: State Fails To Meet Federal Funds "Trigger" Level**

By Paul McIntosh, Executive Director  
[pmcintosh@counties.org](mailto:pmcintosh@counties.org)

March 27, 2009, State Treasurer Bill Lockyer and Department of Finance Director Mike Genest concurred that California would not receive \$10 billion in federal funds to avoid \$1.8 billion in higher taxes and \$948 million in program cuts. The final estimate of \$8.2 billion in federal funds expected by the Department of Finance is posted on its Web site [here](#). The State Treasurer's letter to the Governor and legislative leadership outlining his decision is posted on his Web site [here](#).

This conclusion means that the so-called "trigger cuts" will take effect, as will the full personal income tax rate increase of 0.25%. The cuts include:

- **Medi-Cal:** Eliminate optional benefits for adults, including dental, optometry, acupuncture, chiropractic, podiatric, and psychology services. The elimination of dental benefits to adults will likely impact dental services to children as fewer providers agree to be Medi-Cal providers. This will go into effect July 1, 2009.
- **Public Hospitals:** \$54 million to public hospitals (county-owned and University of California hospitals) via a 10% rate cut. This will go into effect July 1, 2009.
- **In-Home Supportive Services (IHSS):** \$78 million to reduce state participation in wages to \$9.50 an hour and to impose a share of cost on certain new program users. This will go into effect July 1, 2009.
- **CalWORKs:** Four percent grant cut (approximately \$30/month from a family of three) for a savings of \$146.9 million. The grant cut means the state will forfeit approximately \$120 million in Temporary Assistance to Needy Families (TANF) funds available from the federal stimulus. This will go into effect July 1, 2009.
- **Supplemental Security Income (SSI/SSP):** 2.3% grant cut (\$20/month cut to an individual; \$35/month cut to couples) for a \$267.8 million savings. This will go into effect July 1, 2009.
- **University of California:** Unallocated \$50 million reduction.

- **California State University:** Unallocated \$50 million reduction.
- **Judicial Branch:** Unallocated \$100 million reduction to trial courts (one-time).
- **Judicial Branch:** \$71 million reduction for new judges.

Treasurer Lockyer goes on to state that he urges the Legislature to reconsider the adult dental elimination and the reduction in IHSS wages. He cites the concern that these two cuts will "produce harmful consequences that outweigh any savings."

The state's structural budget problem persists, with a deficit of \$8 billion now estimated by the Legislative Analyst's Office. There are certain to be additional program cuts on the table in May. In fact, Treasurer Lockyer's letter to the Governor and legislative leaders is very direct in its statement that pulling or not pulling the trigger still leaves the state in dire straits.

Many of the cuts to health and human services will impact counties directly. CSAC is continuing to research the full implications of implementing the reductions and will be providing additional information.

## **FEDERAL ECONOMIC STIMULUS**

At the request of the California Business, Transportation and Housing Agency (BT&H), the East Bay Economic Development Alliance (EDA), serving Alameda and Contra Costa Counties, will join with the Bay Area Council Economic Institute (BACEI) to develop a Bay Area Economic Recovery Work plan. East Bay EDA will work with the Contra Costa Council to coordinate regional outreach and prioritize East Bay strategies for economic recovery. The plan will be used to assist the state in developing a list of priority projects to be recommended for state-disbursed federal funding, and will provide an important step forward in the planning for the Bay Area's long-term economic recovery.

### **East Bay EDA's Role**

East Bay EDA will disseminate proposal and background information to local government, business and other entities that will be submitting initiatives for consideration, and will play a consultative role for project proposers.

### **Project Areas & Timeline**

Projects or initiatives should fall into one of seven subject categories that map to Bay Area regional priorities: transportation, water, energy/climate, workforce training and education, business development, science and innovation, and housing.

## **Timeline**

--On **April 6, 2009** East Bay EDA will receive from the BACEI a final request for proposals (RFP) package which will be immediately forwarded to local government, business and other entities.

--At the **April 10, 2009** East Bay EDA Board of Directors Retreat, BACEI President Sean Randolph will present the details of the Strategic Recovery workplan to East Bay EDA leadership.

--RFPs must be completed and submitted to BACEI by **April 24, 2009**.

--BACEI will complete the package between **May 1** and **May 31, 2009**, during which time East Bay EDA will act in a consulting role regarding projects submitted from the East Bay region.

--BACEI will submit the final plan for the Bay Area region (Zone 4) to the State Business Transportation & Housing Agency **June 1, 2009**.

## **Next Steps**

All of the documents relevant to this process are archived at the Federal Stimulus Funds & the East Bay page of EDA's website:

([http://www.eastbayeda.org/east\\_bay\\_economic\\_development\\_alliance/fed\\_stimulus\\_2009.htm](http://www.eastbayeda.org/east_bay_economic_development_alliance/fed_stimulus_2009.htm)) . There you will find the BACEI outline of the process including work plan recommendations, regional priorities and core project criteria.

The CAO's office will be coordinating the submittals from the County departments/agencies.

## **Request for Advocacy for Library Funding**

The County's Librarian, Anne Cain, has requested that the County advocate for funding for libraries from the federal stimulus funding.

Included in the American Recovery and Reinvestment Act (ARRA) is \$53.6 billion for the State Stabilization Fund. The purpose of this fund is to provide fiscal relief to the states to prevent tax increases and cutbacks to critical services. The ARRA directs the governors to use 81.8 percent of the state's allocation to support elementary, secondary, and higher education, which could include K-12 school libraries and higher education libraries. The ARRA directs governors to use 18.2 percent of the state's allocation from the State Stabilization Fund for public safety and other government services, which includes public, K-12 school and higher education libraries.

This funding is flexible and the control rests in the hands of the Governor on how the funding is allocated in the state.

The state librarians will be sending letters to the governors on how to spend the funds from the State Stabilization Fund. We have been requested to send a letter to our state librarian with a copy to the Governor with a needs list for our libraries. An emphasis must be put on activities that create or save jobs.

The language in the ARRA gives almost complete discretion to the Governor on how funds are spent in the state, and we can include almost anything on the needs list, except new construction, as long as we can justify the activity as important to continuing state services.

Some examples of what the funds can be spent on:

- Keeping the library open or extending hours
- Hiring staff
- Purchasing materials
- Purchasing licenses for databases
- Repairing or modernizing buildings

Attached is a chart with an estimate of each state allocation from the State Stabilization Fund. The 81.8 percent is in the first column and the 18.2 percent is in the second column.

# State-by-state Impact for the ARRA

State Fiscal Stabilization Fund  
(Millions of dollars, total allocated over FY2009-FY2010)

	Education Block Grant	Flexible Block Grant
<b>US Total</b>	<b>\$39,524.1</b>	<b>\$8,793.9</b>
Alabama	\$596.4	\$132.7
Alaska	\$93.0	\$20.7
Arizona	\$831.9	\$185.1
Arkansas	\$363.1	\$80.8
California	\$4,875.5	\$1,084.8
Colorado	\$621.9	\$138.4
Connecticut	\$443.3	\$98.6
Delaware	\$110.3	\$24.5
District of Columbia	\$73.1	\$16.3
Florida	\$2,208.8	\$491.5
Georgia	\$1,260.8	\$280.5
Hawaii	\$157.2	\$35.0
Idaho	\$201.7	\$44.9
Illinois	\$1,681.1	\$374.0
Indiana	\$823.7	\$183.3
Iowa	\$386.4	\$86.0
Kansas	\$367.4	\$81.7
Kentucky	\$532.8	\$118.5
Louisiana	\$579.6	\$129.0
Maine	\$158.3	\$35.2
Maryland	\$719.7	\$160.1
Massachusetts	\$813.3	\$181.0
Michigan	\$1,302.4	\$289.8
Minnesota	\$667.9	\$148.6
Mississippi	\$392.1	\$87.2

Missouri	\$753.2	\$167.6
Montana	\$121.6	\$27.1
Nebraska	\$234.0	\$52.1
Nevada	\$324.4	\$72.2
New Hampshire	\$164.2	\$36.5
New Jersey	\$1,088.3	\$242.1
New Mexico	\$260.4	\$57.9
New York	\$2,468.6	\$549.2
North Carolina	\$1,161.9	\$258.5
North Dakota	\$85.6	\$19.1
Ohio	\$1,463.7	\$325.7
Oklahoma	\$472.8	\$105.2
Oregon	\$466.5	\$103.8
Pennsylvania	\$1,558.8	\$346.8
Rhode Island	\$134.9	\$30.0
South Carolina	\$567.7	\$126.3
South Dakota	\$104.3	\$23.2
Tennessee	\$775.1	\$172.5
Texas	\$3,250.3	\$723.2
Utah	\$392.6	\$87.3
Vermont	\$77.2	\$17.2
Virginia	\$983.9	\$218.9
Washington	\$819.9	\$182.4
West Virginia	\$218.0	\$48.5
Wisconsin	\$717.3	\$159.6
Wyoming	\$67.6	\$15.0
Puerto Rico	\$529.7	\$117.9

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO: Legislation Committee  
Supervisor Susan A. Bonilla, Chair  
Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Legislative Coordinator 

DATE: April 2, 2009

SUBJECT: **Agenda Item #6: Legislation Status Report**

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**RECOMMENDATION**

REVIEW the attached listings of bills of interest to the County.

RECOMMEND positions on bills to the Board of Supervisors, as appropriate.

ACCEPT the report on federal legislative issues.

**BACKGROUND**

Attached to this report is information about various bills in which the County may have an interest or on which the County has already taken a position. (*Attachment A: Various Bills; Attachment B: Delta Counties' Position Tracking Chart; Attachment C: Transportation Legislation; Attachment D: County Health Executives Association of California Hot Sheet.*) Additional information may be provided to the Committee regarding any of these pending bills.

**SPECIAL ELECTION MEASURES**

At their March 19, 2009 meeting, the CSAC Board of Directors did not take a position on the measures on the May 19 Special Election ballot. The CSAC Executive Committee had recommended a position of "neutral" on the package of measures, after the Government Finance and Operations and the Health and Human Services Policy Committees met jointly on March 5, recommending the staff position of "neutral." The Urban Counties Caucus at their April 1, 2009 meeting also declined to take a position on the measures individually or as a package. A memo from the CSAC Executive Director to the Board about the measures is included as Attachment E.

## Washington D.C. Report

Joe Krahn, Waterman and Associates

As has become customary this year, there was a flurry of activity in Washington, D.C., the weeks of March 16 and 24 as President Barack Obama and members of Congress continued to grapple with the struggling economy. Key recent developments included the Obama Administration's plan to purchase up to \$2 trillion in banks' troubled assets, as well as requesting Congress to grant the federal government power to seize control of large financial institutions in jeopardy of failing, such as AIG and GE Capital.

### *FFY 2010 Budget*

Another major development was the House Budget Committee's approval March 25 of the fiscal year 2010 budget resolution. The measure includes reconciliation instructions, which is a procedural device that would allow President Obama's health and education proposals to move forward in the Senate without the threat of a filibuster.

Across Capitol Hill, the Senate Budget Committee adopted its fiscal year 2010 budget resolution on March 26. While the upper chamber's package does not include reconciliation instructions, Senate Majority Leader Harry Reid (D-NV) has left open the possibility that the final budget blueprint will include such a mechanism. Differences between the House and Senate measures will be ironed out in conference, which is expected to take place in mid to late April.

As expected, both the House and Senate budget blueprints are similar to Obama's \$3.6 trillion budget proposal; however, the spending plans would provide less funding than proposed by the president. In fact, the House provides for \$7 billion less in discretionary spending, with the Senate plan trimming \$15 billion from the president's budget request.

Although numerous amendments were offered by Republicans at the House Budget Committee mark up, only one was adopted by the panel. The committee's top Republican, Paul Ryan of Wisconsin, succeeded in adding to the resolution a non-binding "sense of Congress" provision. The provision states that "additional legislative action is needed to ensure that states have the necessary resources to collect all child support that is owed families."

### *Climate Control*

In an interesting development, the House and Senate budget resolutions did not provide revenue for the president's proposal to raise \$646 billion over 10 years from a plan to cap greenhouse gas (GHG) emissions and creating a system for

trading emissions allowances. The so-called “cap-and-trade” proposal would help finance the administration’s plan to fund tax cuts and energy research.

On a related matter, on March 20, the Environmental Protection Agency (EPA) submitted a finding to the White House Office of Management and Budget that sets the stage for potential broad administrative action aimed at reducing the emission of GHGs. The EPA’s conclusion – that GHGs are pollutants that endanger the public’s health and welfare – clears the way for the federal government to regulate pollutants under the existing framework of the Clean Air Act.

It should be noted that EPA’s conclusion signals a dramatic policy shift when compared to the actions of the Bush Administration. Last year, EPA – led by then-Administrator Stephen L. Johnson – indicated that the agency would undertake a potentially long and arduous process aimed at soliciting public comments regarding the threat posed by global warming. EPA’s previous announcement came in response to the U.S. Supreme Court’s 2007 decision that instructed the Bush Administration to determine whether GHGs should be regulated under existing federal law.

Although EPA’s newly revised finding opens up the possibility that the Obama Administration will pursue implementation of a regulatory strategy designed to curb GHGs, such an approach is expected to be complicated and potentially far reaching. Accordingly, the White House has indicated that it prefers to have Congress consider legislative options for addressing climate change. Such a legislative approach will likely be undertaken later this year when congressional committees craft cap-and-trade legislation.

### *Municipal Bonds*

In other news, Representative Gerry Connolly (D-VA) recently introduced legislation (HR 1669) that would allow the federal government to aid the municipal bond market, which has suffered under the lack of bond insurance. The Connolly bill would give the Treasury Department, the Federal Reserve, and the Federal Financial Bank new authority to guarantee and purchase municipal securities. The Treasury Department would establish guidelines for the purchase of such bonds.

Hr 1669 also would establish a program to pool municipal bonds as Treasury securities and provide credit enhancement for the bonds. The Connolly bill – which could be wrapped into a broader legislative package expected to be introduced by House Financial Services Committee Chairman Barney Frank (D-MA) – may represent an opportunity to ensure that there is sufficient credit enhancement for the 2009 California Communities Tax and Revenue Anticipation Notes (TRANS) program. CSAC, along with the League of California Cities, has been aggressively examining all legislative and administrative options for

ensuring access to local government credit markets.

### *Energy Grants in ARRA*

Finally, the Department of Energy (DOE) announced on March 26 the award of \$3.2 billion in Energy Efficiency and Conservation Block Grant (EECBG) funds for counties, cities, states, territories, and tribes. Under the program – which is being funded for the first time by the American Recovery and Reinvestment Act – federal dollars can be used to support energy audits and energy efficiency retrofits, the development and implementation of advanced building codes and inspections, and the creation of financial incentive programs for energy efficiency improvements. Other activities eligible for use of grant funds include transportation programs that conserve energy, projects to reduce and capture GHG emissions, renewable energy installations, and energy efficient traffic signals and street lights.

To ensure accountability, DOE will require grant recipients to report on the number of jobs created or retained, energy saved, renewable energy capacity installed, GHG emissions reduced, and funds leveraged. Funding is allocated to jurisdictions based on a formula that accounts for population and energy use. For its part, California is slated to receive over \$350 million in EECBG funding.

It should be noted that up to \$455 million is planned to be made available under a separate competitive solicitation for local energy efficiency projects. The solicitation will be released by DOE at a later date.

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## CONTRA COSTA COUNTY LEGISLATION TRACKING REPORT

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<b>CA AB 12</b>	<b>AUTHOR:</b> Beall [D] <b>TITLE:</b> <b>Fostering Connections to Success Act</b> <b>LAST AMEND:</b> 03/23/2009 <b>DISPOSITION:</b> Pending <b>COMMITTEE:</b> Assembly Human Services Committee <b>HEARING:</b> 04/14/2009 1:30 pm <b>SUMMARY:</b> Relates to the licensing of foster family homes and community care facilities in which nonminor dependents of the Juvenile Court are placed, independent living settings and placement for nonminor dependents, the procedures for a nonminor dependent to remain under the court's jurisdiction, the approval of relative or norelative homes for placement of nonminor dependents, related long-term foster care, the repeal of the KinGAP Program, AFDC-FC benefits eligibility, and the Adoption Assistance Program.
<b>CA AB 13</b>	<b>AUTHOR:</b> Salas [D] <b>TITLE:</b> <b>Sacramento-San Joaquin Delta Conservancy</b> <b>LAST AMEND:</b> 03/12/2009 <b>DISPOSITION:</b> Pending <b>COMMITTEE:</b> Assembly Water, Parks and Wildlife Committee <b>HEARING:</b> 04/14/2009 9:00 am <b>SUMMARY:</b> Establishes the Sacramento-San Joaquin Delta Conservancy to provide policy oversight, foster implementation of, and manage funds to implement the restoration and management of habitat and lands in the Sacramento-San Joaquin Delta and Suisan Marsh, and to develop and implement projects to address the economic viability of the Delta region consistent with a comprehensive Delta sustainability program.
<b>CA AB 22</b>	<b>AUTHOR:</b> Torres [D] <b>TITLE:</b> <b>Computer Hacking: Financial Institutions</b> <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Assembly Second Reading File <b>SUMMARY:</b> Provides that in the case of a violation of existing law regarding hacking involving the computer, computer system, or computer network of a bank, savings and loan, credit card issuer, or other financial institution, the fine for the felony conviction shall be increased.
<b>CA AB 39</b>	<b>AUTHOR:</b> Huffman [D] <b>TITLE:</b> <b>Sacramento-San Joaquin Delta: Strategic Plan</b> <b>DISPOSITION:</b> Pending <b>LOCATION:</b> ASSEMBLY <b>SUMMARY:</b> Implements the recommendations in the Final Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee established pursuant to Executive Order S-17-06 and Chapter 535 of the Statutes of 2006.

**CA AB 87**

**AUTHOR:** Davis [D]  
**TITLE:** **Single Use Carryout Bags**  
**LAST AMEND:** 03/18/2009  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Natural Resources Committee  
**HEARING:** 04/13/2009 1:30 pm  
**SUMMARY:**

Prohibits a store from providing a single use carryout bag, including a green carryout bag, to a customer unless the store charges a fee at the point of sale. Exempts certain customers from paying the fee. Establishes the Bag Pollution Fund in the State Treasury. Requires the manufacturer of a single use carryout bag to develop educational materials to encourage the reducing, reusing and recycling of single use bags. Requires specified entities to implement the program and collect the fee.

**CA AB 89**

**AUTHOR:** Torlakson [D]  
**TITLE:** **Taxation: Cigarettes and Other Tobacco Products**  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Governmental Organization Committee  
**HEARING:** 04/22/2009 1:30 pm  
**SUMMARY:**

Imposes an additional excise tax on the distribution of cigarettes, and requires a dealer or wholesaler to file a return with the State Board of Equalization showing the number of cigarettes in his or her possession 90 days after the effective date of the bill. Provides that revenues collected would be deposited in the Tobacco Excise Tax Account, and would be allocated for certain education-, health-, and child-related purposes.

**CA AB 237**

**AUTHOR:** Carter [D]  
**TITLE:** **Vehicles: Inspection of Loads: Metal Products**  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Public Safety Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Makes provisions of existing law, which authorizes the CHP to stop a vehicle transporting specified products to determine whether the driver is in legal possession of the load, applicable with regard to a vehicle that is transporting metal products. Authorizes a member of a city police department, a member of the county sheriff's office, and a specified district attorney investigation to stop and inspect vehicles transporting loads.

**CA AB 286**

**AUTHOR:** Salas [D]  
**TITLE:** **Vehicles: Additional Registration Fees**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**

Amends existing law that imposes, as a county option with certain exceptions, an additional fee and an additional service fee on all commercial motor vehicles, and continuously appropriates the money to fund local programs relating to vehicle theft crimes to extend the fee and continuous appropriation. Requires a related year-end report by each participating county to the Controller to include specified information.

**CA AB 307**

**AUTHOR:** Cook [R]  
**TITLE:** **Business Licenses: Ice Cream Truck Operation**  
**LAST AMEND:** 03/23/2009  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Business and Professions Committee  
**SUMMARY:**

Prohibits a city or county from issuing a license to operate an ice cream truck to any person who is required to register as a sex offender.

**CA AB 357**

**AUTHOR:** Knight [R]  
**TITLE:** **Firearms: License to Carry Concealed Firearm**  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Public Safety Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Amends existing law that authorizes the sheriff of a county, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies any one of certain conditions, to issue a license for the person to carry a concealed handgun. Deletes the good cause requirement, and requires the sheriff to issue the license if the other criteria described above are met.

**CA AB 462**

**AUTHOR:** Price [D]  
**TITLE:** **Public Postsecondary Education: Fees: Tax Levy**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Higher Education Committee  
**SUMMARY:**

Establishes the College Affordability Act of 2009. Limits the systemwide tuition and fees charged to resident undergraduate students at the California State University System and the University of California. Limits any increases in statewide tuition and fees to the annual percentage change in the Consumer Price Index for the prior year. Creates the College Affordability Funding Accountability Panel.

**CA AB 656**

**AUTHOR:** Torrico [D]  
**TITLE:** **Higher Education Endowment Corporation**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Revenue and Taxation Committee  
**SUMMARY:**

Establishes the State Higher Education Endowment Corporation. Requires the corporation to annually allocate an unspecified percentage of the moneys in the continuously appropriated state Higher Education Fund to the California Community Colleges for curriculum and programs related to renewable energy and to annually allocate remaining moneys in the fund to the California State University and the University of California. Imposes an oil and gas severance tax upon any producer.

**CA AB 720**

**AUTHOR:** Caballero [D]  
**TITLE:** **Land Use: Housing Element**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**

Authorizes any city or county that uses funding from its Low and Moderate Income Housing Fund within a redevelopment project area for purposes of substantially rehabilitating a unit to count the unit towards meeting its share of the regional housing need for affordable housing, as defined, for low-, very low, or extremely low income households.

**CA AB 1019**

**AUTHOR:** Beall [D]  
**TITLE:** **Alcoholic Beverages: Surcharge**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Revenue and Taxation Committee  
**SUMMARY:**

Requires wholesalers located within the state who distribute alcoholic beverages to pay a surcharge. Establishes the Alcohol-Related Services Fund to be used for specified programs. Prevents the use and abuse of alcoholic beverages and other drugs.

**CA AB 1082**

**AUTHOR:** Torrico [D]  
**TITLE:** **Sales and Use Taxes: Domestic Violence Prevention Fund**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Revenue and Taxation Committee  
**SUMMARY:**

Imposes a tax on the sale of or the storage, use or other consumption of tangible personal property that is harmful matter at a specified rate. Creates the Domestic Violence Prevention Fund and the Domestic Abuser Surveillance Fund that requires that all revenues, less refunds, be transferred to the funds.

**CA AB 1129**

**AUTHOR:** Hagman [R]  
**TITLE:** **Firearms: Concealed Firearms**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Public Safety Committee  
**SUMMARY:**

Provides a procedure for the temporary revocation of an identification certificate or an endorsement on the certificate authorizing a retired peace officer to carry a concealed and loaded firearm for conduct that compromises public safety. provides a hearing process to determine if revocation should be made permanent.

**CA AB 1187**

**AUTHOR:** Huffman [D]  
**TITLE:** **Safe, Clean, Reliable Drinking Water Supply Act of 2010**  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Water, Parks and Wildlife Committee  
**SUMMARY:**

Enacts the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in a specified amount pursuant to the State General Obligation Bond Law. Provides the act, if approved by the voters, requires establishing and imposing a fee on users of water to be used for the purposes of the act.

**CA AB 1342**

**AUTHOR:** Evans [D]  
**TITLE:** **Local Taxation: Income Taxes: Vehicle License Fee**

**DISPOSITION:** Pending  
**LOCATION:** Assembly Local Government Committee  
**SUMMARY:**

Authorizes the Board of Supervisors of any county to impose either a personal income tax or a vehicle license fee, or both, in accordance with specified requirements.

**CA AB 1487**

**AUTHOR:** Hill [D]  
**TITLE:** **Inmate Medical Expenses**  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Provides for fees for inmate medical expenses.

**CA ACA 9**

**AUTHOR:** Huffman [D]  
**TITLE:** **Local Government Bonds: Special Taxes: Voter Approval**  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Changes the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax. Lowers to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements.

**CA SB 12**

**AUTHOR:** Simitian [D]  
**TITLE:** **Clean Drinking Water and Water Supply Security**  
**LAST AMEND:** 02/26/2009  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Natural Resources and Water Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Enacts the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009. Establishes a related council to prepare and adopt a Delta Ecosystem and Water Plan to advance the goals of restoring the Delta ecosystem and creating a more reliable water supply in the state. Authorizes the council to impose a water diversion fee. Establishes a Delta Conservancy to implement the ecosystem restoration elements of the plan.

**CA SB 40**

**AUTHOR:** Correa [D]  
**TITLE:** **Personal Information: Social Security Numbers**  
**LAST AMEND:** 03/31/2009  
**DISPOSITION:** Pending  
**FILE:** 38  
**LOCATION:** Senate Third Reading File  
**SUMMARY:**

Amends existing law that relates to the presenting of a document for recording of filing with a county recorder to provide that a document containing more than the last 4 digits of a social security number is not entitled for recording.

Requires a support judgment abstract to contain only the last 4 digits of the social security number of the person order to pay. Requires that only the last 4 digits of a person's social security number to be displayed on birth and death certificates.

**CA SB 96**

**AUTHOR:** Ducheny [D]  
**TITLE:** **Personal Income Taxes: Rates**  
**DISPOSITION:** Pending  
**LOCATION:** Senate Revenue and Taxation Committee  
**SUMMARY:**

Imposes a rate of 9%, 9.5%, 10%, 10.5%, and 11% for taxpayers with taxable income over certain amounts. Imposes an 8.5% maximum rate based on the taxpayer's alternative minimum taxable income.

**CA SB 170**

**AUTHOR:** Florez [D]  
**TITLE:** **Agricultural Lands: Williamson Act Contracts**  
**LAST AMEND:** 03/25/2009  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Local Government Committee  
**HEARING:** 04/15/2009 9:30 am  
**SUMMARY:**

Establishes a rebuttable presumption that where a federally recognized Indian tribe has petitioned for a Williamson Act contract cancellation that tribal cultural centers, infrastructure and housing are alternative uses that are public concerns that substantially outweigh the objectives of the act. Provides that land contiguous to existing tribal land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

**CA SB 229**

**AUTHOR:** Pavley [D]  
**TITLE:** **California Water Commission**  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Natural Resources and Water Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Relates to the California Water Commission; revises membership and functions of the commission; authorizes the commission to serve as lead agency to implement specified projects of the Bay-Delta Conservation Plan; ;enacts the Bay-Delta Interim Governance Act; provides governance measures for the Bay-Delta to enhance the reliability of water supplies.

**CA SB 250**

**AUTHOR:** Florez [D]  
**TITLE:** **Dogs and Cats: Spaying and Neutering**  
**DISPOSITION:** Pending  
**LOCATION:** Senate Local Government Committee  
**SUMMARY:**

Provides that no person may own, keep, or harbor an unaltered and unspayed dog. Makes it unlawful for any person who owns, keeps or harbors any unspayed or unaltered cat 6 months of age or older to allow or permit that unspayed or unaltered cat to remain outdoors. Requires an owner or custodian who offers any unaltered dog or cat for sale, trade or adoption to meet specified requirements.

**CA SB 346**

**AUTHOR:** Kehoe [D]

**TITLE:** Hazardous Materials: Motor Vehicle Brake Materials  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Environmental Quality Committee  
**HEARING:** 04/20/2009 1:30 pm  
**SUMMARY:**

Requires a survey of the concentration levels of nickel, zinc and antimony in motor vehicle brake friction materials. Establishes a maximum allowable concentration level of lead and other minerals. Prohibits the sale of vehicle brake friction materials containing specified constituents including cadmium, lead and mercury in certain amounts and concentrations. Requires the Department of Toxic Substance Control to establish a fee for each new axle brake sold in the State.

**Position:** Support 04/06/2009

**CA SB 406**

**AUTHOR:** DeSaulnier [D]  
**TITLE:** Land Use: Environmental Quality  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Local Government Committee  
**HEARING:** 04/15/2009 9:30 am  
**SUMMARY:**

Changes the membership of the Planning Advisory and Assistance Council. Requires that the council work with the Strategic Growth Council. Authorizes a municipal planning organization or council of governments to impose motor vehicle registration surcharge on vehicles registered be expended to develop and implement a regional blueprint plan specify that of the surcharge revenue be transmitted to the council for performance of its functions.

**CA SB 457**

**AUTHOR:** Wolk [D]  
**TITLE:** Sacramento-San Joaquin Delta  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Natural Resources and Water Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Creates a Delta Stewardship Council in the Natural Resources Agency relating to the Delta, including approving the Delta Stewardship Plan to guide and shape management of the Delta. Establishes the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta. Creates the Sacramento-San Joaquin Delta Conservancy Fund. Requires the Council to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program.

**CA SB 458**

**AUTHOR:** Wolk [D]  
**TITLE:** Sacramento-San Joaquin Delta Conservancy  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Natural Resources and Water Committee  
**HEARING:** 04/14/2009 9:00 am  
**SUMMARY:**

Establishes the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the delta. Includes monitoring projects within the watershed. Provides stewardship, and coordinating with other entities. Creates the Delta Conservancy Fund.

**CA SB 686**

**AUTHOR:** DeSaulnier [D]

**TITLE:** Environment: CEQA Exemption  
**DISPOSITION:** Pending  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Makes a technical nonsubstantive changes to a provision of the Environmental Quality Act. Exempts from the provisions of the Acts regarding the addition or deletion of a class of projects.

**Position:** Support

**CA SB 26 c**

**AUTHOR:** Alquist [D]  
**TITLE:** Medi-Cal: Continuous Eligibility: Status Reports  
**DISPOSITION:** Pending  
**LOCATION:** Senate Rules Committee  
**SUMMARY:**

Amends existing law that requires the Department of Health Care Services to exercise a federal option to expand continuous eligibility to children 19 years of age and younger for 6 months. Eliminates the provisions limiting continuous eligibility to 6 months.

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## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
AB 13 – (Salas) Sacramento-San Joaquin Delta Conservancy	Delta Conservancy					
AB 25 – (Gilmore) Surface Water Storage						
AB 39 – (Huffman) Sacramento-San Joaquin Delta: Final Delta Vision						
AB 49 – (Feuer) Water Conservation: urban water use.	Establishes 20% mandatory water efficiency targets for both agriculture and urban water					
AB 55 (Jeffries) Water supply planning						
AB 262 - (Bass) American Recovery and Reinvestment Plan: energy activities, programs, or projects	Appropriate addtl existing (Prop 1E & 84, Fed. Stimulus, water bond) funding for immediate water supply reliability					
AB 300 (Caballero) Subdivisions: water supply						

## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
AB 410 (DeLa Torre) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: integrated regional water management planning	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					
AB 450 (DeLa Torre) Recycled Water (spot)	Expedite State Water Board adoption of water recycling policy so that water agencies may implement aggressive water recycling programs while meeting					
AB 474 (Blumenfeld) Contractual Assessments: water efficiency improvements						
AB 687 (Salas) (Governance)	Delta Stewardship/Gov					
AB 752 (Arambula) State Water Pollution Control Revolving Fund: severely disadvantaged communities	Appropriate additional existing (Prop. 1E & 84, Fed. Stimulus, water bond) funding for immediate water supply reliability					
AB 900 (DeLeon) Water Diversion: statements of water diversion and use	Illegal water appropriations in Delta					

## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
AB 934 (Gilmore) San Joaquin Valley: water supply						
AB 969 (Calderon) Recycled water (spot)	Expedite State Water Board adoption of water recycling policy so that water agencies may implement aggressive water recycling programs while meeting					
AB 1061 (Lieu) Common interest developments: water-efficient landscapes						
AB 1100 (Duvall) Potable Reuse Demonstration Water						
AB 1165 (Tom Berryhill) Water: Delta levee maintenance						
AB 1187 (Huffman) Safe, Clean, Reliable Drinking Water Supply Act of 2010	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water					
AB 1242 (Ruskin) State Water Policy						
AB 1408 (Conway) Safe Drinking Water State Revolving Fund						
ACA 12 (Logue) Water: area of origin statutes						

## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
SB 12 (Simitian) Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009	Delta conveyance					
SB 229 (Pavley) California Water Commission: Bay-Delta	Delta Stewardship/ Governance					
SB 283 (DeSaulnier) Building Standards: voluntary best practices and mandatory requirements						
SB 283 (DeSaulnier) Building Standards: voluntary best practices and mandatory requirements						
SB 301 (Florez) Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009 (Water Bond) Would authorize \$15B in State Bonds	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					

## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
SB 371 (Cogdill) Safe, Clean, Reliable Drinking Water Supply Act of 2009 (Water Bond) Would authorize \$9,980,000,000 in State Bonds.	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					
SB 450 (DeLa Torre) Recycled Water (spot)						
SB 456 (Wolk) Safe, Clean Reliable Drinking Water Supply Act of 2010 (Water Bond)	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					
SB 457 (Wolk) Sac-SJ Delta Stewardship Act	Delta Stewardship/ Governance					
SB 458 (Wolk) Sacramento-San Joaquin Delta Conservancy	Delta Conservancy					
SB 460 (Wolk) Water Conservation: urban water use.	Establishes 20% mandatory water efficiency targets for both agriculture and urban water					
SB 565 (Pavley) Water Recycling	Expedite State Water Board adoption of water recycling policy so that water agencies may implement aggressive water recycling programs while meeting					
SB 681 (Pavley) Statutory adjudication	Water rights and enforcement and reform.					

## Five Delta Counties

	Bill Summaries	Contra Costa	Sacramento	San Joaquin	Solano	Yolo
SB 735 (Steinberg) Safe, Clean and Reliable Drinking Water Supply Act of 2010	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					
SB 736 (Pavley) Water Consumption Fee	Long-term water infrastructure financing mechanism (Bond measure/funding to finance water infrastructure investments)					
SB 808 (Wolk) San Francisco Bay/Sacramento - San Joaquin Delta Estuary: strategic work plan	Illegal water appropriations in Delta					
Protocol				Pending		Agree
Position on PC				Oppose		
Delta Vision Committee Implementation Report						
Joint Letter Opposing Construction of a PC w/o Legislative Approval	Agreed	No Official Position as yet	Agreed	Agreed	Agreed	Agreed
Water Bond						
Water Fees						
Delta Conservancy						

## Transportation legislation of interest to Contra Costa County in 2009

Last updated March 24, 2009 -

Bill & Sponsor	Summary	Board Position	Others' Positions*	Status
AB X3 20 Bass	Provides formula for distributing transportation funds from the federal economic stimulus package to the regions and local jurisdictions in California.			Introduced in Assembly
AB 166 Lieu	Increases minimum fines for abandoning a vessel in a public waterway, and allows the fines to be used for removal of the vessels.		CSAC: Watch LCC: Watch	Passed Assembly Transportation Committee  To Assembly Appropriations Committee
AB 744 Torrico	Authorizes MTC's Bay Area Toll Authority to create high-occupancy vehicle/toll lanes (known as "HOT" lanes) which are HOV lanes that also can be used by solo drivers who pay a toll.		CSAC: Watch LCC: Watch	Assembly Transportation Committee
AB 956 Skinner	States the intent of the Legislature to regulate pavement coatings to reduce air pollution. The Air Resources Board would develop the regulations.			Introduced in Assembly
AB 1175 Torlakson	Adds the Antioch Bridge and Dumbarton Bridge to the seismic improvement program administered by MTC's Bay Area Toll Authority, and allows the Authority to raise bridge tolls on all seven state-owned bridges in the Bay Area to cover the additional costs if needed.			Introduced in Assembly
ACA 15 Arambula	Reduces the voter-approval requirement to 55 percent to enact or extend special taxes for transportation (state law currently requires two-thirds voter approval for special taxes, except for school-related taxes which pass with 55 percent).		CSAC: Support	Introduced in Assembly
SB 205 Hancock	Authorizes a countywide transportation agency (such as the Contra Costa Transportation Authority) to impose an annual fee of up to \$10 on motor vehicle registration to pay for transportation and air quality improvements, subject to voter approval.		LCC: Watch	Senate Committee on Transportation & Housing
SB 518 Lowenthal	Requires local governments and school districts to reduce their parking requirements for new development, as a way of reducing automobile usage.		LCC: Watch	Senate Committee on Transportation & Housing
SCAX1, SCA 3 Wyland	Prohibits the state from diverting transportation revenues to the General Fund, providing complete protection for these revenues. (SCAX 1 is the Extraordinary Session version, SCA 3 the Regular Session version. The bills are identical.)		LCC: Watch	Senate Committee on Revenue and Taxation

\* - Commonly used abbreviations:

ABAG = Association of Bay Area Governments  
 BAAQMD = Bay Area Air Quality Management District  
 BOS = Board of Supervisors of Contra Costa County  
 CCTA = Contra Costa Transportation Authority  
 CRA = California Redevelopment Association  
 CSAC = California State Association of Counties  
 CTA = California Transit Association  
 LCC = League of California Cities  
 MTC = Metropolitan Transportation Commission  
 TWI = Transportation, Water and Infrastructure Committee

# CHEAC Hot Sheet #1 – 2009

## March 27, 2009

Bill Number Author Subject Last Amendment	Bill Status	Description	CHEAC Position
<b>ASSEMBLY BILLS</b>			
AB 54/Jeffries <i>EMS</i>	Introduced.	Spot bill to transfer Requires the Department of Forestry and Fire Protection, Office of State Fire Marshall, State Board of Fire Services, Department of California Highway Patrol, the California Conservation Corps, and the Emergency Medical Services Agency to the Governor's Office under the Emergency Management Agency to form a working group to prepare a Governor's Reorganization plan to transfer the authorities and duties of the aforementioned departments to the California Emergency Management Agency.	Watch w/ Concerns
<b>Amended 3/26/09</b> AB 57/Price <i>Hospitals</i>	<i>Location:</i> In Assembly Health and Higher Education Committees. <i>Hearing:</i> Set for hearing <u>3/31/09</u> (Health).	Requires DPH to establish a procedure for the collection and review of written staffing plans (excluding nurses) from UC hospitals.	Watch w/ Concerns
AB 217/Beall <i>Medi-Cal Alcohol/Drug</i>	<i>Location:</i> In Assembly Health Committee. <i>Hearing:</i> Set for hearing <u>3/24/09</u> .	Establishes the Medi-Cal Alcohol and Drug Screening & Brief Intervention Services Program to allow local funds to draw down federal funds via CPE. Funding obtained to be used to provide alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries.	S-3
AB 233/Smyth <i>Animal Control</i>	<i>Location:</i> In Assembly Rev & Tax Committee.	Allows a tax write off by a California taxpayer who adopts a pet from a qualified animal rescue organization (including county shelters).	S-2
AB 242/Nava <i>Animal Control</i>	<i>Location:</i> In Assembly Public Safety Committee.	Increases the prison time for people convicted of engaging in dog fighting activities while also changing violations from a misdemeanor to a felony.	S-3
AB 486/Chesbro <i>Health Officers PHEP</i>	<i>Location:</i> In Assembly Local Government Committee.	Extends the review period of a local state emergency declared by a health officer from 14 or 21 days to 30 days.	S-2

Bill Number Author Subject	Bill Status	Description	CHEAC Position
Last Amendment AB 517/Ma <i>Public Health</i>	<i>Location:</i> In Assembly Health Committee.	Repeals existing state law on the practice of tattooing, body art and piercings. Would require all body art practioners to register with local EH departments and require these practioners to comply with specific requirements including the completion of a blood borne pathogens exposure control training program (with annual updates). Facilities are also required to have valid health permits issued by EH and must have infection prevention and control plans in place. Allows LHJs to collect fees sufficient to pay for the administration of these programs.	S-3
AB 657/Hernandez <i>Workforce</i>	<i>Location:</i> In Assembly Health and Labor & Employment Committees. <i>Hearing:</i> Set for hearing 4/14/09 (Hlth).	Requires OSHPD to establish the Health Professions Workforce Task Force to assist in the development of a health professions workforce master plan.	S-2
AB 1201/M.Perez <i>Immunizations</i>	Introduced.	Compels health plans or insurers to fully reimburse physicians for their childhood immunization vaccine costs.	S-3
AB 1205/Logue <i>Injury Prevention</i>	Introduced.	Exempts drivers, 18 years or older who has either completed a motorcyclist safety training program or has been issued a class M1 license from wearing a safety helmet while operating a motorcycle, motor-driven cycle or motorized bicycle.	O-2
AB 1445/Chesbro <i>Medi-Cal</i>	Introduced.	Allows that more than one Medi-Cal encounter between a patient and a provider in a FQHC on the same day can be billed separately.	S-3
AB 1487/Hill <i>Jail Medical</i>	Introduced.	Increases the fee that can be charged to an inmate's account for medical visits from \$3 to \$6.	SIA
AB 1503/Lieu <i>EMS</i>	Introduced.	Creates a new physician and surgeon pricing policy for uninsured visits to the emergency room. Ties Maddy Fund reimbursements to these new provisions.	Watch w/ Concerns
<b>SENATE BILLS</b>			
SB 1/Steinberg <i>Children's Health Expansion CCS</i>	<i>Location:</i> In Senate Health Committee	Expands children's health insurance.	Watch w/ Concerns

Bill Number Author Subject	Bill Status	Description	CHEAC Position
SB 4/Oropeza <i>Public Health</i>	<i>Location:</i> In Senate Appropriations Committee.	Bans smoking at state parks and beaches.	S-3
SB 114/Liu <i>Medi-Cal</i>	<i>Location:</i> In Senate Health Committee. <i>Hearing:</i> Set for hearing <u>4/1/09</u> .	Would deem independent foster children eligible for Medi-Cal upon their 18 <sup>th</sup> birthday without interruption in their benefits.	S-3
SB 124/Oropeza <i>Public Health</i>	<i>Location:</i> In Senate Transportation and Housing Committee. <i>Hearing:</i> Set for hearing <u>4/14/09</u> .	Codifies current law on school bus idling with the aim of reducing public exposure to diesel exhaust particulate matter.	S-3
SB 152/Cox <i>Medi-Cal Mental Health</i>	<i>Location:</i> In Senate Health Committee <i>Hearing:</i> Set for hearing <u>4/1/09</u> .	Would require the Controller to reimburse fee-for-service county mental health managed care contractors within 90 days. Interest accrues on unpaid claims and would come out of DMH's budget.	S-3
SB 318/Calderon <i>Animal Control</i>	Introduced.	Provides procedures for the forfeiture of property connected with the crime of dog fighting.	S-3
SB 373/Walters <i>VLF</i>	Introduced.	Spot bill to exempt new car sales from the .65% VLF for the first year of registration.	O-1
SB 601/Padilla	<i>Location:</i> In Senate Revenue & Taxation Committee.	Restricts retail tobacco licenses for businesses located within 1000 feet of public or private elementary or secondary schools.	S-2
SB 810/Leno <i>Health Care Reform</i>	<i>Location:</i> In Senate Health Committee.	Establishes the California Healthcare System to be administered by the newly created CA Healthcare Agency under the control of an elected Healthcare Commissioner. Makes all CA residents eligible for specified health care benefits under the system, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. Requires the commissioner to seek all necessary waivers, exemptions, agreements or legislation to allow various existing federal, state and local health care payments to be paid to the system. Creates a health insurance policy board. Allows the Healthcare Commissioner to determine city and county contributions to the program. Other provisions.	SIA

Bill Number Author Subject Last Amendment	Bill Status	Description	CHEAC Position
SBX3 24/Alquist Medi-Cal	Location: To Governor.	Repeals the change from annual to semi-annual Medi-Cal eligibility determinations for children in order to qualify for the enhanced FMAP funding in the federal stimulus package.	S-1

## Definitions of Legislative Terms

**Chaptered** – A bill passed by the Legislature and signed into law by the Governor.

**Concurrence** – The approval by the house of origin of a bill that was amended in the opposite house.

**Dead Bill** – A bill that has not passed out of its house of origin by the end of January of the second-year of the two-year legislative session. (Please note all deadlines may be waived by Legislative leadership.)

**Failed Passage** – A bill that has been voted on in either a committee or assembly or senate floor and did not receive a majority vote. An urgency measure or tax increase must receive 2/3 vote on the floor.

**Gut and Amend** – An amended bill where the previous legislative language is removed and replaced with entirely new subject matter.

**Held in Committee** – Status of a bill that is heard in committee but no action is taken.

**Inactive File** – A bill ready for floor consideration but placed on a dormant list upon the author's request.

**Interim Study** – The assignment of a bill's subject matter to the appropriate committee for study during the period the Legislature is not in session.

**Reconsideration Granted** – A motion giving the opportunity to take another vote on a bill that has failed passage in a committee hearing or floor session.

**Rules Committee** – All bills are initially referred to this committee in each house for policy committee assignments.

**Spot Bill (or intent bill)** – A bill that proposes nonsubstantive changes to a code section in a particular subject area. Often used as a legislative vehicle later in the legislative session for ideas not fully fleshed out when the bill is introduced.

**Suspense File** – Bills meeting a certain appropriation threshold in fiscal committees are placed on the suspense file. Fiscal committees in each house hold a special hearing close to the fiscal committee deadlines (late May and August) to determine which bills will come off the suspense file and move forward. The decision on each bill is pre-determined by leadership and the committee vote is mostly a formality.

**Two-Year Bill** – A bill that has not passed out of its house of origin policy or appropriations committee by designated deadlines in the first year of a two-year legislative session. (Please note all deadlines may be waived by Legislative leadership.)

**CHEAC Legislative Position Chart**

<p align="center"><b>S - 1</b> Strong Support</p>	<p align="center"><b>S - 2</b> Soft Support</p>	<p align="center"><b>S - 3</b> Discretionary Support</p>	<p align="center"><b>SIA</b> Support if Amended</p>
<p align="center"><b>O - 1</b> Strong Oppose</p>	<p align="center"><b>O - 2</b> Soft Oppose</p>	<p align="center"><b>O - 3</b> Discretionary Oppose</p>	<p align="center"><b>OUA</b> Oppose Unless Amended</p>
<p align="center"><b>WC</b> Watch with Concerns</p>	<p align="center"><b>W - SIB</b> Watch - Special Interest Bill</p>	<p align="center"><b>W</b> Watch</p>	<p align="center"><b>R/BB</b> Refer/Bring Back</p>



March 9, 2009

To: CSAC Board of Directors

From: CSAC Executive Committee

Re: **Measures on May 19 Special Election Ballot – ACTION ITEM**  
***(Item 5, page 117 in the Board of Directors Agenda Packet)***

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**Executive Committee Recommendation.** The CSAC Executive Committee recommends to the CSAC Board of Directors a position of “neutral” on the package of ballot measures slated for the May 19<sup>th</sup> ballot. Propositions 1A through 1F represent integral components of the budget agreement recently achieved in the Legislature and signed into law by Governor Schwarzenegger.

The CSAC Government Finance and Operations and Health and Human Services Policy Committees met jointly on March 5 to discuss the measures as a package and adopted the staff recommendation of “neutral.” After some discussion the committees also moved forward with considering the measures as a package, rather than individually. The CSAC Executive Committee concurred in this recommendation.

**Staff Comments.** The staff recommendation of “neutral” was not considered lightly. After lengthy discussion about the merits of each individual measure and the political risks involved in taking affirmative or negative positions on each, staff believes that the association is unlikely to achieve consensus among its membership for a “support” or “oppose” position. In fact, we believe that for counties, along with many other affected stakeholders, the package was meant to be difficult to support or oppose in its entirety; these measures were delicately negotiated to achieve a result that would pass muster with legislators and with voters, but would also deter well-funded opposition. (We have outlined the measures’ known supporters and opponents in the analysis that follows.)

**Background.** The 17-month budget agreement that the Governor recently signed into law includes as an integral part a special election on May 19, 2009. This election will give Californians the chance to decide several important issues before the beginning of the next fiscal year. The statewide ballot will include the six measures that the Legislature passed as part of the negotiated budget agreement; an additional measure was scheduled to be included, but has since been pushed back to the June 2010 election.

The six measures agreed to as part of the long-awaited budget compromise are:

- Proposition 1A – Creates a new, larger rainy day fund and puts new limits on state spending growth.
- Proposition 1B – Alters repayment schedule for Proposition 98 funds arguably owed by the state to K-14 districts, totaling \$9.3 billion.
- Proposition 1C – Allows state to borrow money for the General Fund, securitized by future revenue from the California Lottery.
- Proposition 1D – For five years, shifts between half and two-thirds of cigarette taxes away from the First 5 Program (Proposition 10) and into the General Fund.
- Proposition 1E – Amends the Mental Health Services Act (Proposition 63) to shift revenue funds from local programs to the benefit of the state General Fund.
- Proposition 1F – Forbids the California Citizens Compensation Commission from raising legislators' and state officers' salaries when the state is running a deficit.

The measure moved to June 2010 is:

- Proposition 13 – Excludes from reassessment structures retrofitted to better sustain earthquakes.

The six negotiated measures are closely tied to the whole budget agreement. Some of them, Propositions 1C, 1D, and 1E, provide money directly to the General Fund. Proposition 1A was a long-standing demand from both Republican caucuses for any type of budget agreement that included taxes; also, if this measure fails, the duration of the budget's tax hikes (personal income tax, sales and use tax, and vehicle license fee) is shortened to two years. Proposition 1B heads off legal and political challenges from the education community.

#### *CSAC's Adopted Policies and Procedures*

The CSAC Policy and Procedure Manual states that the CSAC Officers will assign qualified propositions to appropriate policy committees when they fall within existing policy as outlined in CSAC's Legislative Platform or pose a direct impact on county government. (The officers referred these measures to this joint meeting of the Government Finance and Operations and Health and Human Services Policy Committees.) If the joint policy committees recommend a position on any measures, then those measures proceed to the CSAC Executive Committee for debate and action. If the Executive Committee votes to recommend a position on any measures, they move to the full Board of Directors for action. Any Board member can request the Board's consideration of a ballot measure not otherwise slated for discussion.

#### **Policy Considerations.**

##### *The Measures Are a Package*

Propositions 1A through 1F are an inextricable part of the budget agreement that the Governor signed earlier this month. There is no need to rehash here the long and

tortuous route that led to the agreement, except to note that the atmosphere inside the Capitol remains rancorous and the agreement is precarious. The Legislature placed these six measures on the ballot as part of the budget agreement, and they should therefore be considered as a package.

Due to CSAC's support for a balanced solution, and repeated urging to pass a budget as soon as possible to avoid fiscal meltdowns at the local level, a decision to support or oppose individual measures from this package could be taken badly by some of the legislators who negotiated and voted for the agreement. At the same time, some of the policies that the measures would implement would have a direct negative impact on counties; like all other budget stakeholders, counties did not come through the budget process unscathed.

Over this past year of budget-related wrangling, CSAC has refrained from opposing any but the most egregious proposals, with the understanding that pushing in one area merely causes another, possibly worse, proposal to surface elsewhere. In fact, CSAC indicated its support of a balanced solution several times to the Governor and legislative leaders throughout the process. The six measures described below are part of that balanced solution.

#### *Proposition 1A*

This measure changes the state's savings account from a year-to-year contingency fund to a rainy day fund that could smooth out revenue volatility. In doing so, it would cap General Fund spending increases in any year to the average growth of revenues over the previous ten years.

The rainy day fund, called the Budget Stabilization Fund (or BSF), would be filled by annual, automatic deposits of 3 percent of the state's General Fund revenue. The BSF would be considered full when it reached 12.5 percent of the General Fund.

Money could only be spent out of the BSF in certain circumstances. First, when revenues are not high enough to maintain the previous year's spending level, adjusted for population and inflation, the Legislature could appropriate enough of the BSF to reach that level. Second, BSF money could also be used to address an emergency like an earthquake.

Revenues above the growth rate of the previous ten years would have to be used in particular ways, which the measure prioritizes. They would first be used to pay funds required by Proposition 98, second to fill the BSF up to 12.5 percent of General Fund revenues, and third to pay off budgetary borrowing (such as loans authorized by local government's Proposition 1A) or other debt. If none of these are necessary, the Legislature can choose to use the money for either shoring up the BSF further, paying for infrastructure, one-time tax relief, or funding retiree liabilities like OPEBs.

The state can only avoid the automatic annual payment to the BSF if there was not enough revenue to maintain the previous year's spending level, adjusted for

population and inflation. However, if Proposition 1B passes, half of the automatic annual payment would go to schools to make up for recent budget cuts. After that, the Legislature could decide to use half of the payments to pay for infrastructure or state bond debt, possibly benefiting the General Fund.

If Proposition 1A passes, the Governor would gain new authority to make mid-year cuts without the Legislature's approval. He could reduce COLAs for any programs specified in the annual budget, though not for most state employees' salaries. He would also be allowed to reduce many types of spending for general state operations or capital outlay by up to seven percent.

Last, but certainly not least controversial, voter approval of Proposition 1A would extend three tax increases by either one or two years. The one cent sales and use tax increase would extend through 2011-12 instead of 2010-11; the VLF increase would extend through 2012-13 instead of 2010-11; and the personal income tax surcharge would extend through the 2012 tax year instead of 2010.

A portion of the VLF increase, 0.15% of the car's value, is dedicated to local public safety programs that were previously funded through the General Fund. These programs include COPS, JJCPA (juvenile justice grants), booking fees, Small and Rural County Sheriffs grants, juvenile probation, juvenile camps and ranches, and various local public safety assistance programs administered through Cal EMA (formerly OES). Of course, removing the appropriations for these programs from the General Fund, and therefore from the annual budget process, results in greater stability for their funding.

CSAC had concerns with previous versions of a cap on state spending. The chief issue has been with the fact that a spending cap does not adequately account for nearly a decade of state underappropriation for county-run social service programs. This Human Services Funding Deficit now reaches approximately \$1 billion per year, and those services would likely remain perpetually underfunded if spending is capped at current levels, absent a tax increase or significant restructuring of other state spending.

However, Proposition 1A would likely have beneficial effects in the long-term. For one thing, with a rainy day fund available for bad budget years, the Legislature would not likely be tempted to borrow property taxes as allowed by 2004's Proposition 1A. The measure would also be likely to reduce the volatility of General Fund revenues through economic cycles, providing more predictability for the state and the programs the state funds.

California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), (an alliance of business interests including the California Chamber of Commerce, California Business Roundtable, and the California Alliance for Jobs), as well as the California State Sheriffs' Association (a CSAC affiliate), have come out in support of the measure.

The budget reform group is currently leading the “Yes” campaign for all six budget-related special election ballot measures.

The argument against the measure is signed by representatives from the Congress of California Seniors, the California Faculty Association, and the Consumer Federation of California. The rebuttal to the argument for the measure is signed by representatives from Health Access California, the United Nurses Associations of California/Union of Health Care Professionals, and the Older Women's League of California.

Two groups, Health Access and the Howard Jarvis Taxpayers Association, prevailed in a lawsuit claiming that the official summary of the measure is misleading, including that it does not mention the tax extensions associated with Proposition 1A's passage. The court ordered the following changes:

Original Ballot Title	Stabilizes state budget. Reforms California budget process. Limits state spending. Increases “rainy day” budget stabilization fund.
New Ballot Title	State budget. Changes California budget process. Limits state spending. Increases “rainy day” budget stabilization fund.
Original Ballot Label	“RAINY DAY” BUDGET STABILIZATION FUND. Reforms the budget process. Limits future deficits and overspending by increasing the sized of the state “rainy day” fund and requiring above-average revenues to be deposited into it, for use during economic downturns. Fiscal Impact: Higher state tax revenues of roughly \$16 billion from 2010-11 through 2012-13. Over time, increased amounts of money in state rainy day reserve and potentially less ups and downs in state spending.
New Ballot Label	“RAINY DAY” BUDGET STABILIZATION FUND. Changes the budget process. Could limit future deficits and spending by increasing the sized of the state “rainy day” fund and requiring above-average revenues to be deposited into it, for use during economic downturns and other purposes. Fiscal Impact: Higher state tax revenues of roughly \$16 billion from 2010-11 through 2012-13. Over time, increased amounts of money in state rainy day reserve and potentially less ups and downs in state spending.

- Proposition 1A - Title & Summary
- Proposition 1A - Legislative Analysis
- Proposition 1A - Argument in Favor
- Proposition 1A - Rebuttal to Argument in Favor

Proposition 1A - Argument Against  
Proposition 1A - Rebuttal to Argument Against  
Proposition 1A - Text of Proposed Law

*Proposition 1B*

This measure would direct a total of \$9.3 billion to K-14 districts over five years beginning in 2011-12, but only if Proposition 1A also passes. The money would be paid using funds that the Controller would otherwise deposit into the rainy day fund, as described above. Some claim that the state owes schools this much as a Proposition 98 'maintenance factor' for recent cuts.

California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), an alliance of business interests including the California Chamber of Commerce, California Business Roundtable, and the California Alliance for Jobs, has come out in support of the measure. The group is currently leading the "Yes" campaign for all six budget-related special election ballot measures. The California Teachers Association also supports this measure.

No one submitted an argument against the measure.

Proposition 1B - Title & Summary  
Proposition 1B - Legislative Analysis  
Proposition 1B - Argument in Favor  
Proposition 1B - Argument Against  
Proposition 1B - Text of Proposed Law

*Proposition 1C*

This measure would allow the state to borrow against future lottery revenues (securitization) and changes the allocation of Lottery proceeds. It would also make changes to the Lottery Director's authority and the amount required to be paid to prizes.

California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), (an alliance of business interests including the California Chamber of Commerce, California Business Roundtable, and the California Alliance for Jobs), as well as the California State Sheriffs' Association (a CSAC affiliate), have come out in support of the measure. The budget reform group is currently leading the "Yes" campaign for all six budget-related special election ballot measures.

The argument against the measure is signed by State Senator Bob Huff, as is the rebuttal to the argument for it.

Proposition 1C - Title & Summary  
Proposition 1C - Legislative Analysis  
Proposition 1C - Argument in Favor

Proposition 1C - Rebuttal to Argument in Favor  
Proposition 1C - Argument Against  
Proposition 1C - Rebuttal to Argument Against  
Proposition 1C - Text of Proposed Law

*Proposition 1D*

This measure would redirect between half and two-thirds of the annual Proposition 10 (First 5) revenue for the fiscal years 2009-10 through 2013-14, to the benefit of the General Fund. The annual redirection would be \$268 million, for a five-year total of about \$1.4 billion. (Local First 5 commissions generally receive eighty percent of First 5 funds.) The measure states that the redirected funding would be applied to existing state early intervention and prevention services for infants and toddlers with developmental disabilities, child welfare services, adoption assistance, foster care, kinship guardianship assistance payments (Kin-GAP), and direct health care services upon appropriation by the Legislature as part of the annual budget process or in another statute. It would also transfer state First 5 reserves that are unencumbered as of July 1, 2009 to benefit the General Fund. The measure ensures that each county commission continues to receive at least \$400,000 annually.

While the annual sweep of local commission funding could be detrimental to local community programs, the funding will be directed by the state to similar – albeit existing – state-funded purposes. Furthermore, if the measure does not pass, the state may employ other methods, including additional cuts to child welfare services and health services, to address the budget crisis.

California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), an alliance of business interests including the California Chamber of Commerce, California Business Roundtable, and the California Alliance for Jobs, has come out in support of the measure. The group is currently leading the “Yes” campaign for all six budget-related special election ballot measures.

As for opposition to the measure, the First 5 Association of California (a CSAC affiliate) has submitted a “No” statement for inclusion in the voter’s guide. There is a Web site under development, [www.NoOnProposition1D.com](http://www.NoOnProposition1D.com), that is expected to be live by early next week. The original supporters of Proposition 10 are expected to fund the opposition. The First 5 Association of California’s board will meet March 13 to take a formal position on the measure.

Proposition 1D - Title & Summary  
Proposition 1D - Legislative Analysis  
Proposition 1D - Argument in Favor  
Proposition 1D - Rebuttal to Argument in Favor  
Proposition 1D - Argument Against  
Proposition 1D - Rebuttal to Argument Against  
Proposition 1D - Text of Proposed Law

### *Proposition 1E*

This measure would redirect \$460.7 million of revenue from Proposition 63 (the Mental Health Services Act) over two fiscal years, 2009-10 and 2010-11. The money would pay for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services, which the state otherwise pays out of the General Fund. The EPSDT program provides mental health services to Medi-Cal eligible children and youth. Counties have begun providing new programs with revenue from Proposition 63, and now face the prospect of much of that money disappearing for two years. The Department of Finance estimates that Proposition 63 will generate \$981 million in fiscal year 2008-09 and \$887 million in 2009-10. The vast majority of these funds are allocated to counties by Proposition 63 to support local mental health programs and provide a broad continuum of prevention, early intervention, and other service needs, as well as the necessary infrastructure, technology, and training that support the system.

The two-year sweep of Proposition 63 funding to support state costs for the EPSDT program will be detrimental to local mental health programs. However, if the measure does not pass, the state may employ other methods, including additional cuts to local mental health funding streams, to address the budget crisis. The EPSDT program is a federal entitlement and has a legal history in California; these factors would make it difficult to cut funding for it.

Supporters of the measure include Senate President pro Tempore Darrell Steinberg and California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), an alliance of business interests including the California Chamber of Commerce, California Business Roundtable, and the California Alliance for Jobs. The group is currently leading the "Yes" campaign for all six budget-related special election ballot measures.

Opponents of the measure include Senator Lou Correa and the California Council of Community Mental Health Agencies (CCCMHA), who have created the following Web site: [www.noprop1e.com](http://www.noprop1e.com).

In addition to leading the "No on Proposition 1E" campaign, the CCCMHA, along with Mental Health America of Los Angeles, filed a lawsuit on February 27 seeking changes to the official descriptions of the measure in the voter's guide, citing "misleading" language that may give voters the impression that passage of the measure "would protect hundreds of millions of dollars' worth of mental health programs, when in fact it cuts programs by that amount." On March 5, the parties settled on a new title and summary, as follows.

Original Ballot Title	Ensures Funding For Children's Mental Health Services. Helps Balance State Budget.
New Ballot Title	Mental Health Funding. Temporary Reallocation. Helps Balance State Budget.
Original Ballot Label	MENTAL HEALTH FUNDING BUDGET. Helps balance the state budget and preserve funding for children's mental health services by providing temporary flexibility in the Mental Health Services Act to fund the Early and Periodic Screening, Diagnosis, and Treatment Program for children. Fiscal Impact: State General Fund savings of about \$230 million annually for two years (2009-10 and 2010-11). Corresponding reduction in funding available for Mental Health Services Act programs.
New Ballot Label	MENTAL HEALTH FUNDING. TEMPORARY REALLOCATION. Helps balance state budget by amending the Mental Health Services Act (Proposition 63 of 2004) to transfer funds, for two years, to pay for mental health services provided through the Early and Periodic Screening, Diagnosis and Treatment program for children and young adults. Fiscal impact: State General Fund savings of about \$230 million annually for two years (2009-10 and 2010-11). Corresponding reduction in funding available for Mental Health Services Act programs.

- Proposition 1E - Title & Summary
- Proposition 1E - Legislative Analysis
- Proposition 1E - Argument in Favor
- Proposition 1E - Rebuttal to Argument in Favor
- Proposition 1E - Argument Against
- Proposition 1E - Rebuttal to Argument Against
- Proposition 1E - Text of Proposed Law

*Proposition 1F*

This measure would prohibit pay increases for state constitutional officers and legislators in years that the Director of Finance forecasts the Special Fund for Economic Uncertainties to end the year with a negative balance.

California Budget Reform Now, [www.cabudgetreformnow.com](http://www.cabudgetreformnow.com), supports the measure, as they do all of the others. The argument against is signed by an author named Pete Stahl.

- Proposition 1F - Title & Summary
- Proposition 1F - Legislative Analysis
- Proposition 1F - Argument in Favor

Proposition 1F - Rebuttal to Argument in Favor  
 Proposition 1F - Argument Against  
 Proposition 1F - Rebuttal to Argument Against  
 Proposition 1F - Text of Proposed Law

**Overarching Impacts.** The state programs funded in the 2009-10 budget and beyond are hinged to the passage of this package; if any one of them fails, the state's budget pressures only increase, exacerbating an already difficult budget situation, putting county programs funded by the state at risk, and potentially extending the state's cash crisis.

For example, if Proposition 1A passes, the tax measures in the budget package will be extended for either an additional one or two years (varies with each revenue source). Obviously, Proposition 1A fails there will be revenue shortfalls in future years. The following chart details the revenue impacts linked to Proposition 1A.

Revenue	Estimated Amount Generated in 2009-10	Expiration Date if Proposition 1A Passes	Expiration Date if Proposition 1A Fails
1¢ sales and use tax increase	\$4.5 billion	2011-12	2010-11
0.50% increase in VLF	\$1.7 billion	2012-13	2010-11
Personal income tax rate increase of 0.25%*	\$3.65 billion	Through the 2012 tax year	Through the 2010 tax year
Reduce tax credit for dependents from \$309 to \$99	\$1.4 billion	Through the 2012 tax year	Through the 2010 tax year

*\*Also tied to the federal economic stimulus trigger*

Additionally if Proposition 1A fails, then Proposition 1B – which provides additional funding to schools – would also fail.

If Proposition 1C fails and the state is unable to secure future lottery revenues, it would create a \$5 billion shortfall in the budget.

If Proposition 1D (First 5 revenue redirection) and Proposition 1E (Mental Health Services Act redirection) also fail, the state will be forced to revisit cuts – likely in health and human services programs. First 5 funds would offset \$268 million per year in state General Fund expenditures for five years and Mental Health Services Act funds would be directed to cover approximately \$230 million in General Fund spending on mental health.

Well over \$20 billion in revenues, borrowing, potential cuts, and increases in education spending are tied to the six May ballot measures. The package is

intended to be complex. Clearly, there are elements in the package for counties to dislike – and some things to like.

**Action Requested.** The CSAC Executive Committee recommends that the Board of Directors adopt a position of “neutral” on the entire package of measures, Proposition 1A through Proposition 1F.

**OFFICE OF THE COUNTY ADMINISTRATOR  
CONTRA COSTA COUNTY**

TO:           Legislation Committee  
              *Supervisor Susan A. Bonilla, Chair*  
              *Supervisor Mary N. Piepho, Vice Chair*

FROM:       Lara DeLaney, Legislative Coordinator 

DATE:       April 2, 2009

SUBJECT:    **Agenda Item #7: Recent Amendments to the Ralph M. Brown Act (Open Meeting Law)**

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**RECOMMENDATION**

RECEIVE the memo prepared by County Counsel.

**BACKGROUND**

The Office of the County Counsel has requested that a copy of the attached informational memorandum about amendments to the Brown Act, effective January 1, 2009, be provided to all of the various commissions and advisory bodies and to the individual members of those entities.

*Date:* February 10, 2009

*To:* County Boards, Commissions, and Committees and their Administrative Officers and Secretaries

*From:* Silvano B. Marchesi, County Counsel  
By: Mary Ann McNett Mason, Deputy County Counsel *M. A. M.*

*Re:* Amendment to the Ralph M. Brown Act Effective *January 1, 2009*

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For your information, we summarize a recent amendment to the Ralph M. Brown Act, the open meeting law, as amended by Statutes of 2008, chapter 63. This amendment took effect January 1, 2009.

Government Code section 54952.2 has been amended in three significant ways. First, the definition of a "meeting" has been revised. Second, the scope of the communications that can constitute a prohibited serial meeting has been expanded. Finally, the section now identifies which staff member communications to individual board members outside of noticed public meetings are permissible and which can result in a prohibited serial meeting.<sup>1</sup>

**A. Definition of "Meeting" For Purposes of the Brown Act**

A meeting of a legislative body, such as the Board of Supervisors or the Planning Commission, is *any* congregation of a majority of the body's members at the same time and location, including a permitted teleconference location, "to hear, discuss, deliberate, or take action" on any item that is within the body's subject matter jurisdiction.<sup>2</sup> All meetings must be noticed in accordance with the Brown Act and the County's Better Government Ordinance.<sup>3</sup>

**B. The Prohibition on Serial Meetings Has Been Expanded**

The Brown Act now expressly provides that outside of a lawfully noticed meeting, a majority of the body shall not use a series of communications of any kind, directly or through intermediaries, either to discuss, to deliberate, or to take action on any item of business that is

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<sup>1</sup> "Board" and "Board members" as used herein refers generically to various types of bodies: boards, committees, commissions, subcommittees, etc.

<sup>2</sup> Gov't. Code, § 54952.2 (a).

<sup>3</sup> Gov't. Code, § 54954.2; Ord. § 25-2.206 (a.)

within the subject matter jurisdiction of the body.<sup>4</sup> A mere serial discussion by a majority of the body about one of its business items is now sufficient to violate the Brown Act. For example, a series of e-mails or telephone calls among a majority of board members about a pending a land use matter can be an unlawful serial meeting, even if no consensus about the decision is reached before the matter is considered at a properly noticed public meeting. With this amendment, the Legislature specifically rejected a prior California Appellate decision holding that an unlawful serial meeting does not occur unless over the course of the communication members of the body develop a collective concurrence about action to be taken.<sup>5</sup>

**C. Express Parameters For Informal Staff Communications With Board Members Added**

Parameters for staff interactions with board members have been clarified. The serial meeting prohibition does not prevent an employee or official of a local agency from engaging in *separate* conversations or communications outside of a noticed meeting with a majority of board members to answer questions or to provide information about a matter in the body's subject matter jurisdiction, *as long as the staff member does not communicate one board member's positions or comments to another board member.*<sup>6</sup> To avoid acting as an intermediary in a prohibited serial meeting, a staff member must be very careful not to share information about one or more board members' views or concerns with another board member. Outside of a noticed meeting, staff should provide information or answer questions for board members on an individual basis. In addition, staff should not send e-mail communications to a majority of board members to request the members' response on any business matter.

MAM/am

cc: Members, Board of Supervisors  
County Administrator  
Attn: Julie Enea, Senior Deputy County Administrator  
Lara Delaney, Senior Management Analyst  
Department Heads  
District Attorney  
Attn: Steven Bolen, Senior Deputy District Attorney

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<sup>4</sup> Gov't. Code, § 54952.2 (b) (1).

<sup>5</sup> Statutes of 2008, chapter 63, § 1; see *Wolfe v. City of Fremont*, (2006) 144 Cal.App.4th 533

<sup>6</sup> Gov't. Code, § 54952.2 (b) (2).