



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

July 12, 2013

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To: Supervisor Mark Ridley-Thomas, Chairman
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Supervisor Don Knabe
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum provides information on the following:

- **Legislative Schedule.** An update on the Senate and Assembly's Summer recess schedule.
- **Status of County-Advocacy Legislation**
 - **County-supported AB 639 (Pérez)** - related to the Veterans Housing and Homeless Prevention Act, which repurposes the Veterans' Bond Act of 2008, passed the Senate Veterans Affairs Committee on July 9, 2013.
 - **County-supported SBX1 3 (Hernandez)** - related to the health care Bridge Plan for qualified low-income persons, was signed by Governor Brown on July 11, 2013.
- **Status of Legislation of County Interest.** A report on two measures of County interest related to reallocation of Quimby Act fees and a constitutional amendment regarding the California Public Record Act and the Brown Act.

Legislative Schedule

The Senate adjourned for its Summer recess yesterday and is scheduled to reconvene on August 12, 2013. The Assembly adjourned on July 3, 2013 and will reconvene on August 5, 2013.

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Status of County-Advocacy Legislation

County-supported AB 639 (Pérez), which as amended on July 3, 2013, would enact the Veterans Housing and Homeless Prevention Act to repurpose the Veterans' Bond Act of 2008 for the construction, rehabilitation, and preservation of multi-family and supportive housing for veterans. If enacted, this measure will be placed on the November 4, 2014 General Election Ballot for voter approval. AB 639 passed the Senate Veterans Affairs Committee by a vote of 7 to 0 on July 9, 2013. This measure now proceeds to the Senate Appropriations Committee.

County-supported SBX1 3 (Hernandez), which as amended on June 19, 2013, would establish a Bridge Plan which would require the California Health Benefits Exchange to contract with Medi-Cal managed care providers to offer affordable health care plans for persons previously enrolled in the Medi-Cal or Healthy Families Programs and whose incomes are at or below 250 percent of the Federal Poverty Level, subject to Federal approval, was signed by Governor Brown on July 11, 2013. This measure is Chapter 5, Statutes of 2013, and provisions of the bill will become effective on January 1, 2014.

Status of Legislation of County Interest

AB 1359 (Hernández), which would allow a local legislative body to reallocate Quimby Act fees paid by developers for community parks and recreational facilities outside of subdivision development, in a city or county with fewer than three acres of park area per 1,000 members of the population, was amended on June 26 and July 9, 2013.

As amended, AB 1359 includes an additional requirement on the reallocation of Quimby fees to neighborhoods outside of a subdivision for which fees were originally paid when the distance between the neighborhood and the subdivision is greater than two miles. In these situations, the legislative body must make a finding, supported by substantial evidence, that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities. The bill would also now require that Quimby fees be used within a specified radius that complies with the city's or county's ordinance and be consistent with the adopted general plan or specific plan of the city or county.

According to County Counsel, AB 1359 may benefit the County, as it would simply allow, but would not require, the Board of Supervisors broader flexibility in expending Quimby fees for areas outside of a subdivision for which the original Quimby fees have been paid, with appropriate safeguards.

The Department of Parks and Recreation notes that the County is divided into Park Planning Areas (PPA) for Quimby fees allocation purposes, and that these fees should remain within the PPA in which the residential subdivision is located, as such fees are intended to compensate for the specific impacts imposed by the subdivision in the PPA in which the development is located.

The Department of Public Health acknowledges the author's intent to promote equitable access to green space and indicates that provisions of the bill to increase access to parks and recreational areas would benefit County residents by providing healthier communities which would help reduce childhood obesity and promote more active lifestyles.

AB 1359 passed the Senate Governance and Finance Committee by a vote of 5 to 2 on July 3, 2013. This measure now proceeds to the Senate Floor.

SCA 3 (Leno), which as amended on June 20, 2013, would place a measure on the June 2014 Statewide Primary Election Ballot seeking voter approval of an amendment to the California Constitution to: 1) require local agencies to comply with the current provisions, and any future amendments, to the California Public Records Act and Ralph M. Brown Act at their own cost; and 2) exempt the State from reimbursing local agencies for mandate claims for activities related to CPRA and the Brown Act.

The California Public Records Act (CPRA) requires State and local agencies to make public records open to inspection by every person and, except as provided, to provide copies of public records to any person upon request and payment of a duplication fee. CPRA also requires public agencies to: 1) respond to requests for public records within 10 days, except under unusual circumstances; 2) assist requestors to adequately identify records; provide electronic records in electronic format; and 3) provide written explanations for request denials. Under current law, these functions are deemed as State reimbursable mandates.

The Ralph M. Brown Act (Brown Act) requires that all meetings of a legislative body of a local agency be open and public, and mandates the legislative body to provide notice of the time and place for holding regular meetings. Several procedural provisions of the Brown Act, including requirements to post meeting agendas and disclose decisions made in closed sessions, had been reimbursable mandates. However, Proposition 30, the Temporary Taxes to Fund Education and Guaranteed Local Public Safety Funding, approved by the voters in November 2012, specifies that the State is no longer responsible for reimbursing local agencies for costs associated with the open meeting provisions of the Brown Act.

As previously reported, as part of the FY 2013-14 State Budget Act negotiations, the Legislature adopted a compromise to Governor Brown's budget proposal to suspend the CPRA mandate. The compromise, as provided in AB 76, the General Government Budget Trailer bill, would have given local agencies discretion regarding responding to requests for public records under CPRA. However, as a result of the public concerns to this change to CPRA, the Legislature passed SB 71 (Committee on Budget and Fiscal Review), which retains the current CPRA mandate. On June 27, 2013, the Governor vetoed AB 76 and signed SB 71 (Chapter 28, Statutes of 2013).

As an alternative to the budget action making the CPRA mandate a local option, the Governor and the Legislative Leadership propose to place a constitutional amendment, as proposed by SCA 3, on the State ballot to seek voter approval to require local agencies to comply with CPRA and the Brown Act, and any subsequent amendments. SCA 3 would also exempt the State from reimbursing local governments for any costs associated with these constitutionally mandated programs.

The County has consistently complied with the current CPRA mandates without State reimbursement as would be required under SCA 3. However, the Executive Office of the Board and this office indicate concerns with the provisions of SCA 3 which would exempt any future amendments to CPRA and the Brown Act from State mandate claim reimbursement. Under current law, with certain exemptions, the State is required to reimburse local governments for the cost of new programs or higher levels of service mandated by the Legislature or any State agency. In addition, local agencies and the State Commission on Mandates are given the opportunity to study costs and the extent to which a local government should be reasonably reimbursed for a State mandate. Should the voters approve the constitutional amendment as proposed by SCA 3, any future legislation creating new mandates under both CPRA and the Brown Act would be automatically exempt from the State mandate claim process.

The Executive Office of the Board notes that without these reimbursement criteria, local agencies would be unprotected from potentially burdensome and costly future legislative changes to CPRA and the Brown Act. The June 25, 2013 Senate Governance and Finance Committee analysis of SCA 3 notes that the measure contradicts the vote of the people in passing Proposition 4 (The "Gann Limit" Initiative) of 1979, which stipulated that the State must fund any new requirements it imposes on local governments.

SCA 3 is opposed by the California Association of Clerks and Election Officials. In addition, the California State Association of Counties (CSAC), Urban Counties Caucus, and League of California Cities have all expressed concerns with this measure. Specifically, CSAC indicates that SCA 3 could set a precedent in making statutory

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changes to reimbursable mandates in which politically popular mandates are placed before the voters to relieve the State from providing reimbursement to local governments, leaving the counties vulnerable to cost increases which they cannot control. SCA 3 is supported by the California Newspaper Publishers Association, Common Cause, and Consumer Attorneys of California.

SCA 3 passed the Senate Floor by a vote of 37 to 0 on July 3, 2013. The Assembly is expected to conduct policy committee hearings on this measure when it reconvenes from its Summer Recess in August. This measure requires two-thirds approval of the Legislature. If enacted, SCA 3 is expected to appear on the June 2014 Statewide Primary Election Ballot.

We will continue to keep you advised.

WTF:RA
MR:OR:VE:IGEA:ma

c: All Department Heads
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