



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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February 7, 2012

Board of Supervisors
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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

SUSPENDED SB 90 MANDATES – NET COUNTY COST IMPACT (ALL DISTRICTS AFFECTED – 3 VOTES)

SUBJECT

To advise the Board of Supervisors of a number of recently suspended State mandates by department and the estimated loss of State revenues to the County.

IT IS RECOMMENDED THAT YOUR BOARD:

Receive and file the attached report.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The passage of Senate Bill 90 (SB 90) – the Property Tax Relief Act of 1972 established the principle that the State, rather than counties, should pay the cost of State-mandated programs. SB 90 now refers to the entire body of constitutional, statutory, and regulatory mandated cost reimbursement to local agencies. Since then counties throughout the State received reimbursement for State mandated programs through the SB 90 claiming process.

On July 29, 2011, the State Department of Finance notified local agencies (pursuant to Government Code Section 17581(b)) that several previously reimbursed State mandates were being suspended, and reimbursement was not included in the State Budget Act of 2011-12. Generally, when a mandate is suspended it means that costs associated with the performance of the mandated activities will not be eligible for reimbursement. A county may choose to stop performing the mandated activities, or may continue them at its own cost. According to Department of Finance staff, it is possible, although unlikely, that the funding will be reinstated in the near future.

"To Enrich Lives Through Effective And Caring Service"

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Attachment A lists, by County department, those State mandates that have been suspended and the associated reimbursement for those programs.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These actions support Goals One through Five of the County's Strategic Plan.

FISCAL IMPACT/FINANCING

We estimate that suspension of these mandates will result in the loss of State revenue of approximately \$8.5 million annually. Outlined below are the mandates that have been suspended and the estimated revenue loss associated with them.

1. Registrar-Recorder/County Clerk Election Mandates - \$4.3 million

- Absentee Ballots (Ch. 77, Statutes of 1978) - \$3.7 million;
- Permanent Absent Voters (Ch. 1422, Statutes of 1982) - \$300,000, and;
- Voter Registration Procedures (Ch. 704, Statutes of 1975) - \$300,000.

2. Sheriff's Department - \$2.522 million

- Prisoner Parental Rights (Ch. 820, Statutes of 1991) - \$1.1 million;
- Sex Offenders: Disclosure by Law Enforcement Officers (Ch. 908 and 909, Statutes of 1996) - \$490,000;
- Inmate AIDS Testing (Ch. 1579, Statutes of 1988, Ch. 768 Statutes of 1993) - \$265,000;
- Missing Persons Report (Ch. 1456, Statutes of 1988; Ch. 59, Statutes of 1980) - \$220,000, and;
- Thirteen other suspended programs totaling approximately \$447,000.

3. Public Defender Various Programs - \$629,000

4. District Attorney Various Programs - \$434,000

5. **Animal Care and Control Animal Adoption** (Ch. 752, Statutes of 1998) - \$300,000
6. Various other programs for Alternate Public Defender, Auditor-Controller, Fire – Lifeguard, Probation, and Public Health – \$278,000.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Many of the mandates that have been suspended have become integral parts in the way services are provided to the citizens of Los Angeles County. Chief among them is the suspension of the Absentee Ballots reimbursement. Discontinuance of this program will result in a significant service reduction to voters throughout the County that exercise their voting rights and voter registration privileges by mail. The suspended mandate will also likely jeopardize critical voter outreach programs.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:SK:JW
MM:AB:alc

Attachment

c: Executive Officer, Board of Supervisors
Auditor-Controller
County Counsel

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
1. Alternate Public Defender	943/01	Post Conviction: DNA Court Proceedings	Various activities by indigent defense counsel investigation of DNA- testing and representation of the convicted person (e.g., prepare and file motions for DNA testing and the retention of all biological material secured in connection with a felony case for the duration of the person's incarceration, etc.).	\$20,000
ALTERNATE PUBLIC DEFENDER TOTAL				\$20,000
2. Animal Care & Control	752/98	Animal Adoption	Provides for the care and maintenance during the increased holding period of stray/abandoned cats, dogs and other animals in an attempt to end euthanasia of adoptable and treatable animals.	\$300,000
ANIMAL CARE & CONTROL TOTAL				\$300,000
3. Auditor-Controller	486/75 & 890/04	Mandate Reimbursement Process	Establishes the process by which local agencies receive reimbursement for State-mandated programs and for preparing test claims.	\$101,000
AUDITOR-CONTROLLER TOTAL				\$101,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

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4. District Attorney	694/75	Developmentally Disabled Attorney's Services	Grants developmentally disabled persons for whom guardianship or conservatorship is sought, the right to have the court appoint a public defender or another attorney to represent the person in the commitment hearings. If the person does not have an attorney for the proceeding the court is required to appoint an attorney to represent the person. Also, provides for commitments and commitments to a State hospital for mentally retarded persons who may be a danger to themselves or others. In these judicial proceedings, the person is entitled to legal counsel and if the person does not have an attorney, the court is required to appoint a public defender or another attorney to represent the person.	\$70,000
5. District Attorney	267/98	Extended Commitment, Youth Authority	Requires the District Attorney to represent the Youthful Offender Parole Board (YOPB) in civil commitment procedures for the continued involuntary treatment of persons that the YOPB has determined would pose a physical danger to the public if released from the Youth Authority.	\$4,500

SB90 SUSPENDED MANDATES**NET COUNTY COST IMPACT****FY 2011-12****Attachment A**

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
District Attorney	578/99	Firearm Hearings for Discharged Inpatients	Establishes hearing procedures for persons detained for mental health treatment and evaluation, and eventually discharged, to challenge the firearm prohibition law through a civil hearing in superior court. Under the fire arm prohibition law, the detained patient shall not own, possess, control, receive, or purchase a firearm for five years except as permitted.	\$25,000
District Attorney	486/75 & 890/04	Mandate Reimbursement Process	Establishes the process by which local agencies receive reimbursement for State-mandated programs and for preparing test claims.	\$35,000
District Attorney	435/91	Mentally Disordered Offenders' Extended Commitments Proceedings	Establishes civil commitment procedures for the continued involuntary treatment of persons with severe mental disorders for one year following their parole termination date.	\$230,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
9. District Attorney	1036/78	Mentally Disordered Sex Offenders' Reccommitments	Provides an extended commitment for committed mentally disordered sex offenders who suffer from a mental disorder, disease, or defect, and as a result are predisposed to the commission of sexual offenses to such a degree that they present a serious threat of substantial harm to the health and safety of others. A petition for extended commitment shall be filed 90 days before the expiration of original commitment and the court shall conduct a hearing on the petition no later than 30 days prior to time of release by the State Department of Mental Health. The trial shall be by jury unless waived by both the patient and the prosecuting attorney. The State shall bear all expenses of transportation, care and custody of the patient and all trial and related costs, and shall be represented by the Attorney General or the district attorney with the consent of the Attorney General. If the patient is an indigent, the State Public Defender shall be appointed.	\$14,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

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10. District Attorney	1114/79	Not Guilty by Reason of Insanity	Requires the District Attorney to bring petitions in a court of competent jurisdiction in the name of the State of California to effect extensions of commitments in State hospitals for individuals who have been found not guilty by reason of insanity (NGI) and committed to said State institutions. Also requires the District Attorney to review all NGI cases prior to the expiration of the defendant's maximum term of commitment, for a determination as to whether or not the petition for extended commitment should be filed.	\$55,000
DISTRICT ATTORNEY TOTAL				\$433,500
11. Fire	961/92	Pacific Beach Safety: Water Quality and Closures	Requires the local health officer to post the beach with conspicuous warning signs and to submit to the State Water Resources Control Board an annual survey documenting all beach postings and closures.	\$22,000
FIRE DEPARTMENT TOTAL				\$22,000
12. Probation	486/75 & 890/04	Mandate Reimbursement Process	Establishes the process by which local agencies receive reimbursement for State-mandated programs and for preparing test claims.	\$2,700

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
13. Probation	641/1986	Open Meetings Act/Brown Act Reform	Legislative bodies of local agencies must comply with certain notice and agenda requirements to: include a brief general description on the agenda of all items to be discussed in closed session; disclose in an open meeting (prior to holding any closed session) each item to be discussed in the closed session; reconvene in open session prior to adjournment and report the actions and votes taken in closed session as required; provide copies of closed session documents as required.	\$2,300
PROBATION TOTAL				\$5,000
14. Public Defender	1304/80	Conservatorship: Developmentally Disabled Adults	Provides for the establishment of limited conservatorship for developmentally disabled adults, for the purpose of promoting and protecting the well-being of the individual and to encourage the development of maximum self reliance and independence of the individual. In any proceeding to establish or modify a limited conservatorship, the court is required to appoint the public defender or private legal counsel to represent the protected person, who is entitled to a jury trial.	\$101,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
15. Public Defender	435/91	Mentally Disordered Offenders' Extended Commitments Proceedings	Establishes civil commitment procedures for the continued involuntary treatment of persons with severe mental disorders for one year following their parole termination date.	\$343,000
16. Public Defender	1036/78	Mentally Disordered Sex Offenders' Reccommitments	Provides an extended commitment for committed mentally disordered sex offenders who suffer from a mental disorder, disease, or defect, and as a result are predisposed to the commission of sexual offenses to such a degree that they present a serious threat of substantial harm to the health and safety of others. A petition for extended commitment shall be filed 90 days before the expiration of original commitment and the court shall conduct a hearing on the petition no later than 30 days prior to time of release by the State Department of Mental Health. The trial shall be by jury unless waived by both the patient and the prosecuting attorney. The State shall bear all expenses of transportation, care and custody of the patient and all trial and related costs, and shall be represented by the Attorney General or the district attorney with the consent of the Attorney General. If the patient is an indigent, the State Public Defender shall be appointed.	\$4,000

SB90 SUSPENDED MANDATES**NET COUNTY COST IMPACT****FY 2011-12****Attachment A**

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
Public Defender	1114/79	Not Guilty by Reason of Insanity	Requires the District Attorney to bring petitions in a court of competent jurisdiction in the name of the State of California to effect extensions of commitments in State hospitals for individuals who have been found not guilty by reason of insanity (NGI) and committed to said State institutions. Also requires the District Attorney to review all NGI cases prior to the expiration of the defendant's maximum term of commitment, for a determination as to whether or not the petition for extended commitment should be filed. Continued representation is constitutionally compelled under the "due process" clauses of both the United States and California Constitutions.	\$78,000
Public Defender	943/01	Post Conviction: DNA Court Proceedings	Various activities by indigent defense counsel investigation of DNA- testing and representation of the convicted person (e.g., prepare and file motions for DNA testing and the retention of all biological material secured in connection with a felony case for the duration of the person's incarceration, etc.).	\$2,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
19. Public Defender	694/75	Developmentally Disabled Attorneys' Services	Grants developmentally disabled persons for whom guardianship or conservatorship is sought, the right to have the court appoint a public defender or another attorney to represent the person in the commitment hearings. If the person does not have an attorney for the proceeding the court is required to appoint an attorney to represent the person. Also provides for commitments and commitments to a State hospital for mentally retarded persons who may be a danger to themselves or others. In these judicial proceedings, the person is entitled to legal counsel and if the person does not have an attorney, the court is required to appoint a public defender or another attorney to represent the person.	\$101,000
PUBLIC DEFENDER TOTAL				\$629,000
20. Public Health (Environmental Health)	961/92	Pacific Beach Safety: Water Quality and Closures	Requires the local health officer to post the beach with conspicuous warning signs and to submit to the State Water Resources Control Board an annual survey documenting all beach postings and closures.	\$130,000
PUBLIC HEALTH TOTAL				\$130,000
21. RR/CC	77/78	Absentee Ballots Vote by Mail (VBM)	Requires that absentee ballots be available to any registered voter.	\$3,700,000

SB90 SUSPENDED MANDATES
NET COUNTY COST IMPACT
FY 2011-12

Attachment A

	Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
22.	RR/CC	1422/82	Permanent Absent Voters	Allows all registered voters to apply for permanent absent voter status.	\$300,000
23.	RR/CC	704/75	Voter Registration	Provides for voter registration by mail and voter outreach programs.	\$300,000
RR/CC TOTAL					\$4,300,000
24.	Sheriff	901/84	Crime Victim's Domestic Violence Incident Report II	Imposes a mandate for all local agencies to include on all domestic violence-related calls for assistance a notation of whether the officer or officers who responded to the call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and whether that inquiry disclosed the presence of a firearm or other deadly weapon.	\$17,000
25.	Sheriff	822/00	DNA Database	The Sheriff is required to inform the parents or other appropriate relatives of a missing person that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available for the purpose of helping to identify otherwise unidentifiable deceased persons.	\$9,000

SB90 SUSPENDED MANDATES**NET COUNTY COST IMPACT****FY 2011-12**

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
26. Sheriff	1609/84	Domestic Violence Information	The Sheriff was required to develop written policies to guide responses to domestic violence calls, and to provide training to officers on data collection during domestic-violence calls.	\$57,000
27. Sheriff	444/97	Elder Abuse, Law Enforcement Training	Field supervisors and deputies are required to attend training on how to recognize and report elder abuse, neglect, and fraud.	\$64,000
28. Sheriff	590/95	False Reports of Police Misconduct	The Sheriff is required to admonish a person filing a report of police misconduct that it is a misdemeanor to knowingly file a false report.	\$6,000
29. Sheriff	1579/88	Inmate AIDS Testing	Requires that all law enforcement employees report to the chief medical officer any instance in which they come into contact with the bodily fluids of an inmate, a person under arrest, or in custody, and a parolee or probationer. Also establishes the bases for both law enforcement employees and inmates of a correctional institution to petition the chief medical officer for testing of specified individuals for the presence of HIV.	\$265,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

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30. Sheriff	126/93	Law Enforcement Sexual Harassment Training	The Sheriff is required to provide a course in basic training for law enforcement officers concerning sexual harassment in the workplace, including the definition of sexual harassment, a description of sexual harassment utilizing examples, the illegality of sexual harassment, the complaint process, legal remedies and protection from retaliation available to the victims of sexual harassment.	\$19,000
31. Sheriff	486/75 & 890/04	Mandate Reimbursement Process	Establishes the process by which local agencies receive reimbursement for State-mandated programs and for preparing test claims.	\$26,000
32. Sheriff	435/91	Mentally Disordered Offenders' Extended Commitments Proceedings	The Sheriff is required to house individuals against whom civil commitment hearings have been initiated by the District Attorney to extend the involuntary treatment of mentally disordered offenders for one year beyond the offender's parole termination date. To the extent the District Attorney regards any future cases as public safety issues and exercises the prerogative to initiate civil commitment procedures without reimbursement from the State, the Sheriff will continue to house the individuals during the course of the commitment procedures as a matter of public safety.	\$74,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
33. Sheriff	1456/88	Missing Persons Report	The Sheriff is required to make an effort to obtain and deliver to the Attorney General photographs and other pertinent information concerning missing children and dependent adults for inclusion in the Attorney General's Violent Crime Information System.	\$220,000
34. Sheriff	1114/79	Not Guilty by Reason of Insanity	The District Attorney is required to petition the Court to extend the commitment in State hospitals for individuals accused of committing violent crimes and found not guilty by reason of insanity. The Sheriff is required to provide housing to such individuals during the course of the extended commitment sanity determination hearing, or during the course of a sanity restoration hearing if the person has served a term in a State hospital or other treatment facility.	\$7,800
35. Sheriff	1334/87	Pocket Masks	To prevent the spread of communicable diseases, the Sheriff is required to provide portable mask and airway assembly for use by deputies when applying cardiopulmonary resuscitation.	\$2,500
36. Sheriff	943/01	Post Conviction: DNA Court Proceedings	The Sheriff is required to retain biological material secured in connection with a felony case during the term of the incarceration of the individual convicted in the case.	\$97,000

SB90 SUSPENDED MANDATES

NET COUNTY COST IMPACT

FY 2011-12

Attachment A

Department	Chapter/ Statute	Suspended Mandate	Description of Mandate	Revenue Impact
37. Sheriff	820/91	Prisoner Parental Rights	The Sheriff is required to retrieve jail prisoners and transport them to court for hearings concerning guardianship, dependency or termination of parental rights.	\$1,100,000
38. Sheriff	502/92	Sex Crime Confidentiality	Requires a law enforcement agency employee who receives a report from a person who alleges that he or she was the victim of specified sex crimes to inform the reporting person that his or her name will also become a matter of public record unless he or she requests confidentiality.	\$39,000
39. Sheriff	908/96	Sex Offenders: Disclosure by Law Enforcement Officers	The Sheriff is permitted to make available by way of an Internet web site certain information concerning persons required by law to register as sex offenders and/or relay such information to the Department of Justice (DOJ) for publication on the DOJ's Internet web site.	\$490,000
40. Sheriff	337/90	Stolen Vehicle Notification	Requires the original reporting law enforcement agency to notify the reporting party of the location and condition of a recovered stolen vehicle within 48 hours of receiving notice of the recovery.	\$29,000
SHERIFF TOTAL				\$2,522,300

TOTAL

\$8,462,800