



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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February 1, 2013

To: Supervisor Mark Ridley-Thomas, Chairman  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## SACRAMENTO UPDATE

This memorandum contains an update on the following:

- **Status of County-Sponsored Legislation - AB 195 (Hall)** - related to extending the sunset date for authorization for counties to use design-build procedures for bidding on specified projects.
- **Legislation of County Interest - AB 5 (Ammiano)** - related to the proposed Homeless Person's Bill of Rights and Fairness Act, which would provide that no person's rights, privileges, or access to public services may be denied or abridged because he or she is homeless, has a low income, or suffers from a mental illness or physical disability.

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### Status of County-Sponsored Legislation

**County-sponsored AB 195 (Hall)**, which as introduced on January 28, 2013, amends Section 20133 of the Public Contract Code to extend the existing sunset date for design-build authority granted to counties from July 1, 2014 to July 1, 2020.

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Under existing law, local officials are required to invite bids for construction projects and then award contracts to the lowest responsible bidder under the traditional design-bid-build project delivery system. It also authorizes counties, until July 1, 2014, to use alternative procedures, known as design-build, for bids on construction projects in excess of \$2.5 million. The Department of Public Works indicates that legislation is needed to extend the existing sunset date in order to allow the County's continued beneficial use of design-build as an alternative delivery method for capital projects.

The Department of Public Works indicates that since the adoption of the County policy authorizing the use of design-build contracting authority as an option for applicable construction projects in excess of \$2.5 million, 34 design-build projects totaling over \$2.0 billion have been completed or are currently in progress in the County.

The Department of Public Works reports that it has found design-build to be an efficient selection and project delivery method which complements the traditional design-bid-build methodology. Extending the authority of counties to use this contracting process would allow the County's continued beneficial use of design-build as an alternative delivery method for capital projects.

County-sponsored AB 195 is consistent with Board action of June 17, 2008, when the Board adopted a policy to approve the County's use of design-build contracting authority as an option for applicable construction projects in excess of \$2.5 million, as provided for under the Public Contract Code.

AB 195 is currently in the Assembly pending referral to a committee.

### **Legislation of County Interest**

**AB 5 (Ammiano)**, which was introduced on December 3, 2012, would enact the Homeless Person's Bill of Rights and Fairness Act and would provide that no person's rights, privileges, or access to public services may be denied or abridged because he or she is homeless, has a low income, or suffers from a mental illness or physical disability. Specifically, this bill would:

- Provide that every person in the State, regardless of housing status, income level, mental illness, or physical disability, shall be free from specified forms of discrimination and shall be entitled to certain basic human rights, including the right to be free from discrimination by law enforcement, in the workplace, while seeking or maintaining housing or shelter, and while seeking services;

- Provide that every person has the right to access public property, possess personal property, access public restrooms, clean water, affordable housing, emergency and nonemergency health care, confidentiality of medical records, assistance of legal counsel in specified proceedings, and restitution, under specified circumstances;
- Provide civil and criminal immunity, and immunity from employer retaliation, to a public employee who assists homeless persons;
- Require local law enforcement agencies to make specified information available to the public and report annually to Attorney General on enforcement of local ordinances against homeless persons as well as on compliance with Act; and
- Provide for judicial relief and impose civil penalties for a violation of the Act.

As introduced, AB 5 defines public space as any space that is predominantly within the public domain or that is held open to the public, including, but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation, and public buildings and parks. The bill defines housing status as status of having or not having a fixed or regular residence, including the status of living on the streets, in a vehicle, or in a homeless shelter, or similar temporary residence or elsewhere in the public domain.

AB 5 would guarantee the right to 24 hours a day, seven days a week access to: 1) clean and safe public restrooms; 2) hygienic provisions, either through government-funded distribution of hygienic-kits or the availability of clean and safe public shower facilities; and 3) facilities with clearly identifiable staff able to react to safety concerns, including, but not limited to, shelters and drop-in centers that meet basic health, hygiene, and dignity needs, among other rights.

### **Potential County Impact**

Affected County departments have reviewed AB 5 for potential impact to the County as described below.

The Department of Parks and Recreation (DPR) indicates that AB 5 would adversely impact the Department by increasing staff costs to provide access to, maintain, and keep safe its restroom and shower facilities 24 hours a day, seven days a week. The Department operates 402 facilities which contain restrooms and/or showers.

The Department of Beaches and Harbors (DBH) reports that AB 5 may impact the operation and patron use of its parking lots. According to the Department, homeless

encampments in parking lots would interfere with the Department's ability to maintain business and patrons, potentially leading to a significant decrease in one of its main sources of revenue. Additionally, DBH, manages 51 public restrooms, all of which have showers. Forty six of those facilities have public showers outside of those restrooms in open space, which would be easily accessible to the homeless.

The Department of Beaches and Harbors shares the same concerns as the Department of Parks and Recreation in regard to potential additional costs for maintenance staff to keep public facilities accessible 24 hours a day. Both departments indicate that they would need to hire additional patrol staff to meet the provisions of AB 5. Currently, DPR uses Sheriff patrols at its parks and is concerned that it would incur significant costs to increase patrol services at all of its restroom and shower facilities to 24 hours per day. DBH only has security patrols at public spaces at Marina del Rey and indicates that it would incur increased patrol staff costs. Both departments also indicated susceptibility to increased liability should AB 5 be enacted.

The Museum of Natural History and the Museum of Art are similarly concerned that keeping their public spaces accessible 24 hours a day would significantly increase their operational, maintenance and security costs. This would be compounded by the potential risk of damage to valuable paleontological and cultural resources located at Hancock Park and irreplaceable sculptures at the Museum of Art's gardens.

According to County Counsel, the broad and vague nature of AB 5 would make it more difficult to defend the County or its employees in litigation that may arise from it, especially since the legislation provides for not only the recovery of compensatory damages, but punitive and exemplary, as well as attorney's fees.

The Sheriff's Department has concerns with a number of provisions of AB 5 as it relates to essential law enforcement activities and has particular concerns with the potential impact of AB 5 on transit stations and on the Department's transit operations due to potential public safety issues.

The Department of Mental Health indicates that the mental health services proposed in AB 5 would help stabilize the mental health of homeless persons; however, the Department notes that the County may currently not have the resources to provide many of the services required under the bill, nor does the bill provide funding for these services.

The Department of Public Social Services (DPSS) indicates that any impact for the demand of additional public social services under AB 5 is unknown at this time. According to DPSS, in Los Angeles County, the number of homeless CalWORKs

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families has risen during the last six years to a historic high of 12,861 families. In addition, over 50 percent of individuals on General Relief are homeless.

AB 5 is co-sponsored by: Western Regional Advocacy Project; East Bay Community Law Center; Jericho: A Voice for Justice; and Western Center on Law and Poverty. The bill is supported by: Building Opportunities for Self Sufficiency; Coalition on Homelessness San Francisco; Los Angeles Community Action Network; Right 2 Survive; Saint Mary's Center; Sisters of the Road; Street Roots; Street Spirit; American Friends Service Committee; California Church IMPACT; Coalition of California Welfare Rights Organizations; Homeless Youth Alliance; Housing Rights Committee of San Francisco; Hunger Action Los Angeles; Loaves & Fishes of Sacramento; Mission Neighborhood Resource Center; Poor Magazine; Sacramento Housing Alliance; Safe Ground Sacramento; San Francisco Living Wage Coalition; San Francisco Senior and Disability Action; Women Organizing Resources; and Knowledge & Services.

AB 5 is opposed by Sacramento County and the editorial boards of the: Los Angeles Times; Sacramento Bee; San Francisco Chronicle; and Fresno Bee.

AB 5 has been referred to the Assembly Judiciary Committee. A hearing date has not been scheduled.

This office will continue working with the affected departments to determine the programmatic and fiscal impact of AB 5 to the County.

We will continue to keep you advised.

WTF:RA:MR  
VE:AO:KL:ma

c: All Department Heads  
Legislative Strategist