



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

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Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

October 30, 2009

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

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - COUNTY-SPONSORSHIP LEGISLATION

The purpose of this memorandum is to report on County-sponsored legislation, which the County advocates will pursue in the second year of the 2009-10 Legislative Session.

There are ten proposals for County-sponsorship, which are consistent with prior sponsorship of similar legislation, Board action and/or approved policy. Three are County-sponsored measures for which the Sacramento advocates secured authors in 2009 and are now two-year bills, four are the result of Board motions, one proposal is carried over from 2009, and two are new proposals. As other priority proposals emerge based on Board motions, departmental requests, or events in Sacramento, we will advise you and pursue as necessary.

County-Sponsored Legislation Introduced in 2009

The Sacramento advocates will continue to pursue enactment of the following County-sponsored measures which were introduced in 2009 and are now two-year bills:

AB 87 (Davis) - Single-Use Carryout Bags (Board Motion - January 22, 2008)

County-sponsored AB 87 (Davis), as amended on April 27, 2009, would: 1) prohibit a store from providing a single-use carryout bag to a customer unless the store charges a fee not less than \$0.25 at the point of sale; 2) exempt certain customers from paying the

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fee; and 3) establish the Bag Pollution Fund in the State Treasury and require the manufacturer of a single-use carryout bag to develop educational materials to encourage reducing, reusing, and recycling of single-use bags. This measure is currently on the Assembly Appropriations suspense file.

AB 139 (Brownley) - Funding of Local and Regional Watershed Projects (Board Motions - September 13, 2005 and August 7, 2007)

County-sponsored AB 139 (Brownley), as amended on May 7, 2009, would authorize the Los Angeles County Flood Control District to implement storm water fees, upon voter approval consistent with the requirements of Proposition 218, to fund clean water programs and require the district to allocate funds generated by the fee in a specified manner solely for authorized purposes. This measure is currently in the Assembly Local Government Committee.

SB 179 (Runner) - Termination of Parental Rights (Board Motion - November 18, 2008)

County-sponsored SB 179 (Runner), as amended on April 14, 2009, would streamline the Termination of Parental Rights appeals process by reducing the time period for a birth parent to file an appeal from 60 days to 30 days when the Juvenile Court orders the Termination of Parental Rights. This measure is currently in the Assembly Judiciary Committee.

Board Motions to Pursue County-Sponsorship

Sex Offender Registration (Board Motion – April 22, 2008)

We will pursue County-sponsored legislation to strengthen existing law to ensure that licensed foster and child care providers report registered sex offenders on or near their facilities, and to facilitate county access to State criminal data base information.

In April 2008, the California State Auditor released a report titled, "Sex Offender Placement." It found that of the 75,000 community care facilities licensed by the California Department of Social Services (CDSS), Community Care Licensing Division, the addresses of 49 registered sex offenders matched those of 46 licensed facilities statewide, including foster and child care facilities. Of these facilities, eight were located in Los Angeles County. All of the facilities were immediately inspected and investigations revealed no incidents of child abuse. On April 22, 2008, the Board instructed the Chief Executive Officer to work in conjunction with the Directors of the Departments of Children and Family Services and Public Social Services, and the

Sacramento advocates to seek legislation to impose civil or criminal penalties on licensed foster and child care providers who allow and/or fail to report registered sex offenders on or near their facilities.

Effective September 1, 2009, CDSS implemented administrative changes to detect the presence of registered sex offenders in prospective and approved licensed foster and child care facilities. On an annual basis, CDSS, Community Care Licensing Division, will compare transmitted Department of Justice sex offender files against the Child Welfare Services/Case Management System placement information for county-licensed Foster Family Homes, Family Child Care Homes, and county-approved relative and Non-relative Extended Family Member (NREFM) homes. Counties will be required to investigate all address matches and to check all prospective licensure applicants, and county-approved relative and NREFM homes against the Megan's Law Public Website. When a match is verified, counties will be required to take appropriate action which may include licensure and placement denial or removal of children from the facility. The FY 2009-10 Adopted State Budget provides \$555,000 for these activities. This office is working with CDSS and the Department of Children and Family Services to determine if these administrative changes address the Board's concerns.

Automated System for Sharing Client Information (Board Motion – June 24, 2008)

We will pursue County-sponsored legislation to address prohibitions against information sharing between agencies.

In June 2008, a five year-old child, who had contact with several County departments, was found to have been severely abused by his mother and another woman. In response to this case, the Board of Supervisors instructed the Chief Executive Office, in conjunction with the County Departments of Children and Family Services, Health Services, Mental Health, Probation, Public Health – Alcohol and Drug Services, Public Social Services, and State and local law enforcement agencies to develop recommendations for legislative changes to address prohibitions against information sharing between agencies.

Off-Site Board of Supervisors Meetings (Board Motion – March 3, 2009)

We will pursue County-sponsored legislation to remove the restriction that regular meetings of the Board of Supervisors must be held in the County seat.

On March 3, 2009, the Board approved a motion instructing this office to pursue legislation to remove the restriction that regular Board meetings be held in the County seat, which is the City of Los Angeles for our County. This proposal would allow the

Board to hold meetings in various locations throughout the County to provide County residents and stakeholders the opportunity to become engaged in issues which directly impact the quality of their lives.

Special Vacancy Election Reimbursement (Board Motion - May 26, 2009)

We will pursue County-sponsored legislation to secure full reimbursement of costs associated with conducting special vacancy elections for State legislative and Congressional seats.

On May 11, 2009, the Registrar Recorder/County Clerk reported to the Board that State reimbursements for special elections are not guaranteed, nor do they cover the full costs of administering these elections, and the cost of conducting elections has increased significantly over time. Over the past ten years, the County has conducted elections to fill ten vacancies in State legislative or Congressional offices at a cost of more than \$12.2 million. State reimbursement for these costs totaled \$4.3 million resulting in a cost to the County of \$7.9 million. As a result, on May 26, 2009, the Board adopted a motion directing the Sacramento advocates to pursue legislation to secure full reimbursement of costs associated with conducting special vacancy elections.

Proposal Continued from 2009

Use of Condoms in the Adult Film Industry (Requested by the Commission on HIV)

We will pursue County-sponsored legislation to require: 1) the use of condoms by performers in the Adult Film Industry (AFI); 2) adult film companies to provide and pay for HIV and sexually transmitted disease (STD) testing and vaccination for performers; and 3) the companies to develop written health and safety programs for performers at film production worksites. This proposal is consistent with Board policy to support legislation to regulate the adult film industry to decrease the risk of occupationally acquired HIV and other STDs.

Due to the nature of their work, AFI performers are at a significantly higher risk for HIV/STD exposure and transmission than the general public. STDs are common among AFI performers and can only be identified through vigilant screening, which may detect diseases in the early stages, but it often fails to prevent transmission as occurred in the recent HIV outbreak in the AFI in 2004. AFI performers often rely on public health care systems when they are sick, HIV or STD-infected. As the largest center for adult film production in the world, Los Angeles County and its health care system have the greatest share of costs and face major consequences resulting from occupationally

acquired HIV and other STDs. This proposal would help to ensure the protection of AFI workers, limit the spread of HIV and other STDs, and reduce the impact on our public health care system.

New Recommendations for County-Sponsored Legislation

Change Orders on County Construction Contracts and Waterworks District, Flood Control, Bridge and Subway Construction Contracts (Requested by the Department of Public Works)

We will pursue County-sponsored legislation to: 1) increase the upper limit amount a board of supervisors may delegate to a county engineer or other county officer to order changes or additions in the work being performed under county construction contracts from \$150,000 to \$210,000; 2) authorize a county board of supervisors to delegate to a general manager or county officer to order changes or additions in the work being performed under a county waterworks district construction contract, and to a county road commissioner on construction contracts for the maintenance, repair and construction of a county bridge or subway; 3) authorize the Los Angeles County Board of Supervisors to delegate to the county engineer or county officer to order changes or additions in the work being performed under Los Angeles County Flood Control District construction contracts; and 4) authorize a board of supervisors to annually adjust the upper limit of change order authority based on the Consumer Price Index (CPI). These proposals are consistent with Board policy to streamline and improve administrative operations and processes (e.g., contracting, procurement, and capital projects/space management) to increase effectiveness, enhance customer service, and support responsive County operations.

Existing law limits the amount of changes or additions in work which may be approved by a county engineer or county officer to \$150,000. The proposed legislation would raise this limit to \$210,000 and provide for an annual increase in the limit in order to maintain the authority as construction costs escalate. The \$210,000 is based on CPI increases dating back to 1997.

The Department of Public Works indicates that existing law allows a board of supervisors to delegate change order authority to the county road commissioner or a registered civil engineer under the direction of the county director of transportation for county highways, but does not allow a board of supervisors to delegate authority for change orders for county bridges. The Department indicates that since bridges are appurtenant facilities to highways and both bridge and highway work are often contained in the same contract, similar provisions are needed to close a gap in existing law and provide for more efficient contract administration. Current law also does not

authorize a board of supervisors to delegate authority of change orders to a county officer for county waterworks district construction contracts, flood control construction contracts, or subway contracts.

The proposed legislation would allow a board of supervisors to delegate change order authority to a general manager or county officer in the work being performed under a county waterworks district construction contract, and to the county road commissioner for bridge or subway construction contract up to \$210,000, to be adjusted annually based on the CPI. The proposed legislation would also allow the Los Angeles County Board of Supervisors to delegate change order authority to the county engineer or county officer in the work being performed under a Los Angeles County Flood Control District contract up to \$210,000, to be adjusted annually by the CPI.

The Department of Public Works indicates that each year the Board of Supervisors approves the award of numerous contracts to construct water supply and distribution infrastructure, and water conservation and flood control infrastructure, each of which require associated changes or additions in work to be submitted to the Board for approval. This process is time and resource consuming and, if delayed, may result in additional contract costs.

The Department of Public Works indicates that the programmatic impact of the proposed legislation is fewer changes or additions in the work being submitted to the Board of Supervisors for approval, potential cost savings due to reduced staff time for processing, and avoidance of potential contract costs and impacts to the public resulting from delays in completion of construction.

Subdivision Map Act (Requested by the Department of Public Works)

We will pursue County-sponsored legislation to amend Section 66484 of the Government Code to clarify existing language of the Subdivision Map Act, related to Bridge and Major Thoroughfare (B & T) Districts, to give the County the same authority that the Orange and San Diego Counties have for their unincorporated areas to pay for reasonable administrative and other costs, in addition to actual construction-related costs.

Existing law limits the use of B & T District fees for construction purposes only, which is defined to include design, acquisition of right of way, contract administration and construction costs. The term construction for San Diego and Orange Counties is further defined to include "all direct and indirect environmental, engineering, accounting, legal and reasonable general agency administrative costs." This proposal is consistent with

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Board policy to maximize the use of County resources to ensure that they are effectively utilized.

Since the expanded list of construction terms does not apply to Los Angeles County, the general administrative, accounting and legal costs for the County's six B & T Districts must be financed by the Public Works Road Fund's Master Plan of Highways Program. The recent State Budget issues have resulted in delays and/or cuts in revenue sources that are directed to the Public Works Road Fund, which has limited the Department's ability to effectively manage the B & T Districts. The proposed legislation would allow all direct and indirect environmental, engineering, accounting, legal and reasonable general agency administrative costs to be paid by the B & T District fees, thereby reducing the financial impact on the Public Works Road Fund.

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants