

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
BOARD OF DIRECTORS  
Thursday, September 11, 2008  
10:00am – 1:30pm  
CSAC Conference Center, Sacramento

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**A G E N D A**

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Presiding: Richard Gordon, President

**10:00am      PROCEDURAL ITEMS**

1.            Roll Call Page 1
2.            Approval of Minutes of May 22, 2008 Page 3

**10:10am      ACTION ITEMS**

3.            Consideration of November 2008 Ballot Initiatives Page 21

Proposition 5: Nonviolent Offender Rehabilitation Act of 2008

Proposition 6: Safe Neighborhoods Act

- Elizabeth Howard, CSAC staff

Proposition 7: Solar and Clean Energy Act of 2008

- Karen Keene, CSAC staff

Proposition 9: Victims' Rights Act of 2008

- Elizabeth Howard

Proposition 10: California Alternative Fuels Initiative

- Karen Keene

4.            Consideration of Draft Policy Statement on State Water Proposals Page 42
- Supervisor Mike Nelson, Ag. & Natural Resources Chair
  - Karen Keene

**12:00pm      LUNCH**

**12:30pm      INFORMATION ITEMS**

5.            Institute for Local Government (ILG) Report Page 47
- JoAnne Speers, ILG Director
6.            PAC Task Force Report Page 49
- Supervisor Gary Wyatt, Task Force Chair
  - Paul McIntosh, CSAC Executive Director
7.            CSAC Continuing Education Program Report Page 58
- Bill Chiat, Program Director
8.            CSAC Finance Corporation Report Page 59
- Tom Sweet, Finance Corp. Executive Director
9.            CSAC Corporate Associates Update Page 60
- Paul McIntosh
10.          State Budget/Legislative Update
- Jim Wiltshire, CSAC staff

11.          Other Items

**1:30pm      ADJOURN**

# CALIFORNIA STATE ASSOCIATION OF COUNTIES

## Board of Directors

2008

<u>Section</u>	<u>County</u>	<u>Director</u>
U	Alameda County	Keith Carson
R	Alpine County	Terry Woodrow
R	Amador County	Louis Boitano
S	Butte County	Curt Josiassen
R	Calaveras County	Merita Callaway
R	Colusa County	Mark Marshall
U	Contra Costa County	Federal Glover
R	Del Norte County	David Finigan
R	El Dorado County	James Sweeney
S	Fresno County	Henry Perea
R	Glenn County	Tom McGowan
S	Humboldt County	Johanna Rodoni
S	Imperial County	Gary Wyatt
R	Inyo County	Susan Cash
S	Kern County	Jon McQuiston
R	Kings County	Tony Oliveira
R	Lake County	Ed Robey
R	Lassen County	Robert Pyle
U	Los Angeles County	Don Knabe
R	Madera County	Ronn Dominici
S	Marin County	Susan Adams
R	Mariposa County	Dianne Fritz
R	Mendocino County	Jim Wattenberger
S	Merced County	Mike Nelson
R	Modoc County	Mike Dunn
R	Mono County	Vikki Magee-Bauer
S	Monterey County	Fernando Armenta
S	Napa County	Brad Wagenknecht
R	Nevada County	Ted Owens
U	Orange County	Pat Bates
S	Placer County	Jim Holmes
R	Plumas County	William Powers
U	Riverside County	John Tavaglione

U	Sacramento County	Roger Dickinson
R	San Benito County	Reb Monaco
U	San Bernardino County	Paul Biane
U	San Diego County	Greg Cox
U	San Francisco City & County	Jake McGoldrick
S	San Joaquin County	Victor Mow
S	San Luis Obispo County	Harry Ovitt
U	San Mateo County	Rose Jacobs Gibson
S	Santa Barbara County	Joni Gray
U	Santa Clara County	Liz Kniss
S	Santa Cruz County	Tony Campos
S	Shasta County	Glenn Hawes
R	Sierra County	Arnold Gutman
R	Siskiyou County	Michael Kobseff
S	Solano County	Mike Reagan
S	Sonoma County	Valerie Brown
S	Stanislaus County	Dick Monteith
R	Sutter County	Larry Munger
R	Tehama County	Bob Williams
R	Trinity County	Jeff Morris
S	Tulare County	Connie Conway
R	Tuolumne County	Richard Pland
U	Ventura County	Kathy Long
S	Yolo County	Mike McGowan
R	Yuba County	Mary Jane Griego

President: Richard Gordon, San Mateo  
 First Vice President: Gary Wyatt, Imperial  
 Second Vice President: Michael Delbar, Mendocino  
 Immed. Past President: Frank Bigelow, Madera County

SECTION: U=Urban S=Suburban R=Rural

5/23/08

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
 BOARD OF DIRECTORS  
 Thursday, May 22, 2008  
 Hyatt Regency Hotel, Sacramento

M I N U T E S

Presiding: Rich Gordon, President

1. ROLL CALL

Alameda	absent	Orange	absent
Alpine	Terry Woodrow	Placer	absent
Amador	Louis Boitano	Plumas	Bill Powers
Butte	absent	Riverside	John Tavaglione
Calaveras	Merita Callaway	Sacramento	Roger Dickinson
Colusa	Mark Marshall	San Benito	Reb Monaco
Contra Costa	John Gioia	San Bernardino	Paul Biane
Del Norte	absent	San Diego	Greg Cox
El Dorado	James Sweeney	San Francisco	absent
Fresno	absent	San Joaquin	absent
Glenn	Tom McGowan	San Luis Obispo	Harry Ovitt
Humboldt	John Woolley	San Mateo	Gordon/Jacobs Gibson
Imperial	Gary Wyatt	Santa Barbara	Joni Gray
Inyo	Susan Cash	Santa Clara	Liz Kniss
Kern	absent	Santa Cruz	Tony Campos
Kings	absent	Shasta	Glenn Hawes
Lake	Ed Robey	Sierra	absent
Lassen	absent	Siskiyou	absent
Los Angeles	absent	Solano	Mike Reagan
Madera	Bigelow/Dominici	Sonoma	Tim Smith
Marin	Susan Adams	Stanislaus	absent
Mariposa	absent	Sutter	absent
Mendocino	Delbar/Wattenberger	Tehama	Bob Williams
Merced	Mike Nelson	Trinity	Jeff Morris
Modoc	Mike Dunn	Tulare	absent
Mono	Duane "Hap" Hazard	Tuolumne	Richard Pland
Monterey	Fernando Armenta	Ventura	Kathy Long
Napa	Brad Wagenknecht	Yolo	Mike McGowan
Nevada	absent	Yuba	absent

The presence of a quorum was noted.

2. APPROVAL OF MINUTES

The minutes of March 20, 2008 were approved as previously mailed.

3. STATEWIDE 2-1-1 SYSTEM

Supervisor Greg Cox provided a report on the Southern California 2-1-1 system which was instrumental in assisting residents during the Southern California wildfires of 2007. The system was able to provide up-to-date information about mandatory evacuation orders, shelter locations, road closures, relief and recovery resources and donation and volunteering opportunities.

Joining Supervisor Cox in the presentation were: Maribel Marin, Executive Director of 211 Los Angeles and Judy Damell of United Way Santa Cruz. They discussed the need for a statewide 2-1-1 system. Currently 37 counties in California either have or are in the planning phases of a system. Many rural areas do not have systems in place primarily due to funding issues. Ventura County was the first county to implement a 2-1-1 system.

Motion and second to direct staff to work with 211 California to determine how to create an appropriate infrastructure and funding sources for a statewide 2-1-1 system. Motion carried unanimously.

4. PROPOSED CSAC BUDGET FOR FY 2008-09

Supervisor Joni Gray, CSAC Treasurer, presented the draft CSAC Budget for FY 2008-09 as contained in the briefing materials. The CSAC Executive Committee considered the draft budget at their meeting in April and recommended adoption by the Board of Directors.

Motion and second to adopt the proposed CSAC Budget for FY 2008-09 as presented. Motion carried unanimously.

5. PROPOSED LITIGATION COORDINATION PROGRAM BUDGET FOR FY 2008-09

Jennifer Henning, Executive Director of the County Counsels Association, presented the draft Litigation Coordination program budget for FY 2008-09 as contained in the briefing materials. The CSAC Executive Committee considered the draft budget at their April meeting and recommended adoption by the Board of Directors.

Motion and second to adopt the proposed Litigation Coordination Program Budget for FY 2008-09. Motion carried unanimously.

President Gordon announced that the Executive Committee will have a detailed discussion on the Litigation Coordination program during the October retreat.

6. SAN BERNARDINO COUNTY RETIREMENT SYSTEM RESOLUTION

Due to a recent IRS ruling, the San Bernardino County Employees Retirement System is requiring CSAC to adopt a resolution authorizing the continuation of retirement contributions on a pre-tax basis. A copy of the resolution was contained in the briefing materials.

Motion and second to adopt the San Bernardino County Retirement System resolution. Motion carried unanimously.

7. CSAC ENGAGEMENT IN 2008-09 STATE BUDGET

Staff requested direction in responding to and advocating for county interests in the 2008-09 state budget deliberations, to the extent that current CSAC policy does not offer appropriate direction.

The urban, suburban and rural caucuses each met prior to the Board meeting and discussed policy direction for CSAC regarding this year's state budget. Their reports follow.

Urban Caucus

Supervisor Kathy Long, Chair of the Urban Counties Caucus (UCC), reported that UCC had unanimously adopted a policy statement at the May 21 meeting. The statement reads as follows:

*The State Budget must not be balanced with cuts along. Further, closing the budget shortfall with additional borrowing simply delays resolution of the problem. The continuing structural deficit requires reform of California's system of state-local finance so that both Boards of Supervisors and the legislature have the tools necessary to provide the services and facilities necessary to meet the expectations of our citizens.*

Suburban Caucus

Supervisor Gary Wyatt, Chair of the CSAC Suburban Caucus, reported on discussion that took place during the meeting on May 21. Some ideas discussed were as follows:

1. Consider endorsing a lowering of the voting requirement to pass a state budget.
2. Consider contracting with former Legislative Analyst Elizabeth Hill to assist in developing a CSAC state budget strategy.
3. Endorse the Legislative Analyst's Office alternative budget.
4. Develop a block grant funding model.
5. Develop methods to exert pressure on the Legislature to meet obligations.

Rural Caucus

Supervisor Michael Delbar, Chair of the CSAC Rural Caucus, reported on the action taken during the Rural Caucus meeting on May 21. The motion unanimously approved by the Rural Caucus is as follows:

*Direct all CSAC policy committees to convene as soon as possible to identify those regulations that could be suspended and report to the Executive Committee to consider the negotiations of the budget process within 45 days.*

The recommendations from each caucus will be forwarded to the CSAC Executive Committee for consideration. In addition, staff requested that the Board of Directors authorize the CSAC Officers and Executive Committee to address state budget issues that are outside of current CSAC policy.

Motion and second to give authority to CSAC Officers and Executive Committee to address state budget issues outside of current policy during this year's budget deliberations. Motion carried unanimously

8. CSAC POLICY COMMITTEE REPORTS

**Administration of Justice.** Supervisor Ronn Dominici, Chair of the CSAC Administration of Justice Policy Committee, presented the committee report from the meeting held on May 21. The committee heard informational updates on: the Governor's May Revision and other budget

issues; corrections reform implementation efforts; and court facility transfers. In addition, the committee took action on two items and requested Board of Directors approval.

The first item relates to the Legislative Analyst's Office (LAO) parole realignment proposal. The CSAC Task Force on Parole Realignment was established by the Board of Directors in March. It was chaired by Supervisor Tavaglione and undertook a thorough examination of the LAO's proposal to realign responsibility for more than 50,000 state parolees to counties. The group focused on programmatic, operational and financing implications of the proposal. The task force made the following key findings:

- The LAO parole realignment proposal addresses the wrong end of the corrections system and targets the wrong population.
- Better outcomes for offenders cannot be assured under the proposed realignment design.
- Counties' existing service system for adult offenders needs attention.

The task force recommended the following actions which were unanimously approved by the policy committee:

1. Oppose the LAO's parole realignment proposal, given significant concerns about both the programmatic and financial elements.
2. Offer two specific alternatives to the Legislature – (a) increase the front-end investment in adult probation system and (b) endorse a list of corrections reform proposal that combines previously identified reform corrections measures.
3. Adopt the CSAC Corrections Reform County Policy Principles and Guidelines as amended by the policy committee (attached).

Motion and second to approve policy committee recommendations as outlined above.  
Motion carried unanimously.

The second action item was consideration of Sex Offender Management Policies and Principles as contained in the briefing materials (attached). The draft policies and principles were developed by the Working Group on Sex Offender Management, which was comprised of county supervisors, CAOs, law enforcement representatives, a district attorney, public defender, and mental health professionals. Supervisor Matt Rexroad from Yolo County chaired the working group.

Motion and second to approve the Sex Offender Management Policies and Principles as presented. Motion carried unanimously.

**Agriculture and Natural Resources.** Supervisor Mike Nelson, Chair of the CSAC Agriculture and Natural Resources Policy Committee, presented the report from the meeting held on May 21. The policy committee received reports from the U.S Forest Service, the County Agricultural Commissioners Association and an update on aggregate mining. The committee also reviewed the draft Sacramento-San Joaquin Delta Policy Statements. These will be brought to the CSAC Executive Committee for consideration at a future meeting.

In addition, the committee took action to approve the Orange County Clean Water Act's 404 Permit Process Resolution (attached) and requested adoption by the Board of Directors. The resolution was developed by Orange County because of a significant backlog in the processing of construction and maintenance permits with regard to public improvement projects. Subsequently, they experienced delays to important projects and an increase in the public's exposure to the risk of loss of life, significant property damage and financial loss. CSAC has existing policy that supports this type of permit streamline process. It was noted that Supervisor

Adams received clarification from the policy committee that CEQA and NEPA requirements would still apply.

Motion and second to adopt the Orange County Clean Water Act's 404 Permit Process Resolution. Motion carried unanimously.

**Government Finance and Operations.** The CSAC Government Finance and Operations policy committee met on May 22, and received reports on the following items: An Overview of the Governor's May Budget Revision, Eminent Reform, Property Tax Administration Cost Allocation and Other Post Employment benefits (OPEBs). No action items were brought before the Board of Directors for consideration.

**Health and Human Services.** Supervisor Liz Kniss, Vice-Chair of the CSAC Health and Human Services Policy committee, presented the committee's report from the meeting held on May 21. The committee heard from a variety of speakers, primarily regarding mental health funding and the impact of state budget cuts on health and human services. Supervisor Roger Dickinson, Chair of the Human Services Funding Deficit work group, provided an update to the committee. The work group will continue to meet to develop strategies for addressing the \$1 billion shortfall during state budget negotiations.

**Housing, Land Use and Transportation.** Supervisor Mike McGowan, Chair of the CSAC Housing, Land Use and Transportation policy committee, presented the committee report from the meeting held on May 21. The committee took action on two items and requested Board of Directors approval.

The first item was approval of draft Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) Reauthorization Priorities and Principles. The amended version was distributed to the Board and is attached. The draft priorities and principles were developed by CSAC and the County Engineers Association (CEAC) and focus on California's needs. The document will be used for advocacy purposes in upcoming SAFETEA-LU reauthorization discussions.

Motion and second to approve SAFETEA-LU Reauthorization Priorities and Principles. Motion carried unanimously.

SB 1201, by Senator Battin, is intended to settle a very controversial issue regarding the aggregate number of slots that the 61 tribes under the 1999 compact can collectively operate. That compact did authorize up to 2,000 slots per tribe, but established an aggregate cap that was not sufficient for every tribe to achieve their maximum amount. Senator Battin wants to ensure that every tribal government with a 1999 Compact can obtain gaming licenses up to the maximum. Because of the fact that tribal governments operating under the 1999 Compact are not required to reach judicially enforceable local agreements to mitigate off-reservation impacts, the policy committee recommended an "Oppose Unless Amended" position.

Motion and second to accept policy committee recommendation to take an "Oppose Unless Amended" position on SB 1201. Motion carried unanimously.

9. INSTITUTE FOR LOCAL GOVERNMENT REPORT

JoAnne Speers, Director of the Institute for Local Government (ILG), presented a report on recent ILG activities. ILG will be sponsoring another Ethics training course during CSAC's annual conference this year. They are also working on an update to the *Planning Commissioners Handbook*, which serves as a resource for local officials engaged in land use



planning. Ms. Speers encouraged counties to respond to a PPIC survey on greenhouse gas emissions.

10. CSAC FINANCE CORPORATION REPORT

Supervisor Greg Cox, a member of the Finance Corporation Board of Directors, presented an update on Finance Corporation activities. He noted that CalTRUST, an investment pool for public entities, has now reached assets over \$778 million. The Finance Corporation has hosted eight Green Purchasing seminars throughout the state. The next seminar is scheduled for July 16 in Sacramento. A website re-design was recently completed to allow for additional information on new and existing programs. It is located at [www.csacfinancecorp.org](http://www.csacfinancecorp.org).

11. CSAC CONTINUING EDUCATION PROGRAM REPORT

Paul McIntosh reported that the Continuing Education Advisory Committee held a meeting this morning to further develop the CSAC Continuing Education program which is scheduled to begin in early 2009. The program will serve as a professional development resource for county officials and senior staff.

12. EMINENT DOMAIN REFORM UPDATE

The "Yes on 98" campaign recently reported another \$800,000 in donations which provided them enough funds to purchase television air time to run campaign advertisements supporting Proposition 98. These ads could be very damaging to the "No on 98" campaign. The league of Cities, California Redevelopment Association and others are trying to raise additional funds to purchase television air time to run counter arguments and have asked for additional support from CSAC. To date, CSAC has contributed \$909,435 in non-public funds to the "No on 98/Yes on 99" campaign. CSAC has a remaining \$275,000 in authorized funds that have not yet been contributed to the campaign for a total of \$1,184,435. In order to contribute beyond this amount, CSAC would have to tap reserves and/or ask the Finance Corporation to contribute further funds to CSAC for his purpose.

Staff requested direction on the level and amount of CSAC participation in these closing days of the election campaign.

Motion and second to direct staff to spend only what was previously authorized and not contribute additional money to the "No on 98/Yes on 99" campaign. Motion carried (2 'no' votes).

The meeting was adjourned in memory of Humboldt County Supervisor Roger Rodoni who was recently killed in a motor vehicle collision.



# Corrections Reform

## County Policy Principles and Guidelines

### Preamble

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In light of the state's recent focus on corrections reform — primarily on recidivism and overcrowding in state detention facilities, counties feel it is essential to articulate their values and objectives as vital participants in the overall corrections continuum. Further, counties understand that they must be active participants in any successful effort to improve the corrections system in our state. Given that local and state corrections systems are interconnected, true reform must consider the advantage — if not necessity — of investing in local programs and services to help the state reduce the rate of growth in the prison population. Front-end investment in local programs and initiatives will enrich the changes currently being contemplated to the state system and, more importantly, will yield greater economic and social dividends that benefit communities across the state.

Recognizing that preserving public safety — a matter of paramount importance in communities statewide — will be enhanced by ensuring that appropriate attention and commitment are focused on rehabilitation for adult and juvenile offenders, counties offer the following Corrections Reforms Principles and Guidelines that, we believe, will help advance discussions between the state and counties.

### Fundamental Principles

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- An optimum corrections strategy must feature a strong and committed partnership between the state and local governments.
- State and local authorities must focus on making productive use of offenders' time while in custody or under state or local supervision. A shared commitment to rehabilitation can help address the inextricably linked challenges of recidivism and facility overcrowding. The most effective method of rehabilitation is one that maintains ties to an offender's community.
- Programs and services must be adequately funded to enable counties to accomplish their functions in the corrections system and to ensure successful outcomes for offenders. To the extent that new programs or services are contemplated, or proposed for realignment, support must be in the form of a dedicated, new and sustained funding source specific to the program and/or service rather than a redirection of existing resources, and adequate to achieve specific outcomes. In addition, any realignment must be examined in relation to how it affects the entire corrections continuum and in context of sound, evidence based practices. Any proposed realignment of programs and responsibility from the state to counties must be guided by CSAC's existing Realignment Principles.
- System and process changes must recognize that the 58 California counties have unique characteristics, differing capacities, and diverse environments.

Programs should be designed to promote innovation at the local level and to permit maximum flexibility, so that services can best target individual community needs and capacities.

- Counties and the state can best achieve their shared objectives by focusing on results both in the form of improved offender outcomes and community safety.

### **Reform Policy Guidelines**

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*The following reform policy guidelines represent specific proposals that serve to promote the principles outlined above.*

- **Keys to Slowing the Prison Population Growth: Investment in local programs and facilities.** The state's investment in local programs and facilities returns an overall benefit to the state corrections system and community safety. State support of local programs and facilities will aid materially in addressing the "revolving door" problem in state and local detention facilities.
  - The state should invest in improving, expanding and renovating **local detention facilities** to address overcrowding, early releases, and improved delivery of inmate health care. Incentives should be included to encourage in-custody treatment programs and other services.
  - The state should invest in **adult probation services** — using as a potential model the Juvenile Justice Crime Prevention Act (JJCPA) — to build a continuum of intervention, prevention, and supervision services for adult offenders.
  - The state should continue to fully support the successful JJCPA initiative, which provides a range of **juvenile crime prevention and intervention programs** and which represents a critical component of an overall crime reduction and public safety improvement strategy. Diverting juveniles from a life of offending will help to reduce pressure on the adult system.
  - The state should invest in **mentally ill in-custody treatment and jail diversion programs**, where treatment and services can help promote long-term stability in mentally ill offenders or those with co-occurring disorders, decrease recidivism, and divert appropriate offenders out of the criminal justice system.
  - The state should continue to invest in **alcohol and drug treatment and diversion programs**, including but not limited to outpatient treatment facilities, given that the vast majority of inmates in state and local systems struggle with addiction, which is a primary factor in their criminality.



- **Inmate reentry programs.** Reentry programs represent a promising means for addressing recidivism by providing a continuum of care that facilitates early risk assessment, prevention, and transition of inmates back into the community through appropriate treatment, life skills training, job placement, and other services and supports. The state should consider further investment in multiagency programs authorized under SB 618<sup>1</sup>, which are built on proven, evidence-based strategies including comprehensive pre-sentence assessments, in-custody treatment, targeted case management, and the development of an individualized life plan. These programs promote a permanent shift in the way nonviolent felony offenders are managed, treated and released into their respective communities. Examples of program elements that have been demonstrated to improve offenders' chances for a successful reintegration into their communities upon release from custody include, but are not limited to, the following:
  - Early risks and needs assessment that incorporates assessments of the need for treatment of alcohol and other drug abuse, and the degree of need for literacy, vocational and mental health services;
  - In-custody treatment that is appropriate to each individual's needs — no one-size-fits-all programming;
  - After care and relapse prevention services to maintain a "clean and sober" lifestyle;
  - Strong linkages to treatment, vocational training, and support services in the community;
  - Prearranged housing and employment (or vocational training) for offenders before release into their communities of residence;
  - Completion of a reentry plan prior to the offenders' transition back into the community that addresses the following, but is not limited to: an offender's housing, employment, medical, dental, and rehabilitative service needs;
  - Preparation of the community and offenders' families to receive and support each offender's new law-respecting and productive lifestyle before release through counseling and public education that recognize and address the inter-generational impact and cycles of criminal justice system involvement.
  - Long-term mentorship and support from faith-based and other community and cultural support organizations that will last a lifetime, not just the duration of the parole period; and
  - Community-based treatment options and sanctions.

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<sup>1</sup> Chapter 603, Statutes of 2005.



Counties believe that such reentry programs should include incentives for inmate participation.

- **Siting of new facilities.** Counties acknowledge that placement of correctional facilities is controversial. However, the state must be sensitive to community response to changing the use of, expanding, or siting new correctional facilities (prisons, community correctional facilities, or reentry facilities). Counties and other affected municipalities must be involved as active participants in planning and decision-making processes regarding site selection. Providing for security and appropriate mitigations to the local community are essential.
- **Impact on local treatment capacity.** Counties and the state must be aware of the impact on local communities' existing treatment capacity (e.g., mental health, drug treatment, vocational services, sex offender treatment, indigent healthcare, developmental services, and services for special needs populations) if the correction reforms contemplate a major new demand on services as part of development of community correctional facilities, reentry programs, or other locally based programs. Specialized treatment services that are not widely available are likely the first to be overtaxed. To prevent adverse impacts upon existing alcohol and drug and mental health treatment programs for primarily non-criminal justice system participants, treatment capacity shall be increased to accommodate criminal justice participants. In addition, treatment capacity shall be separately developed and funded.
- **Impact on local criminal justice systems.** Proposals must adequately assess the impact on local criminal justice systems (courts, prosecution and defense, probation, detention systems and local law enforcement).
- **Emerging and best practices.** Counties support the development and implementation of a mechanism for collecting and sharing of best practices that can help advance correction reform efforts.





# Sex Offender Management

## County Principles and Policies

### Preamble

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California's sex offender registration policy dates back to 1947 when California was the first state to adopt a state sex offender registry. Given the sheer size of California and the long history of sex offender registration, it is not surprising that we have more sex offenders than any other state in the United States.

Currently there are approximately 90,000 identified sex offenders in California. Each year there are 8,000 new felony sex offense convictions in California with approximately 700 offenders released from prison each month. There are an estimated 11,200 sex offenders living in the community under parole supervision and 10,000 living in the community under the jurisdiction of county probation departments.<sup>1</sup>

Given the high numbers of sex offenders who are presently not being supervised — approximately 75 percent, it is imperative that counties develop a strategy to 1) educate county residents, 2) effectively manage the sex offender population, which may or may not coincide with existing state policy, 3) assess which sex offenders are at the highest risk to re-offend and thus in need of monitoring and 4) partner with other state and local organizations that assist in supervision of sex offenders.

To that end, CSAC has adopted the following principles and policy on sex offender management. Because this is an emerging and complex policy area, CSAC recognizes that this document will likely evolve to reflect, among other things, court decisions and changes in best practices.

### Fundamental Principles and Policies

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- Any effective sex offender management policy **should contain restriction clauses** that do not focus on where a sex offender lives but rather on the offender's movements. Counties believe an offender's activities and whereabouts pose a greater danger than his or her residence. Therefore, any strategy should consider the specific offense of the sex offender and prohibit his/her travel to areas that relate to their specific offense.
- Each county, when taking actions to address and/or improve sex offender management within its boundaries, should do so in a manner that does not create difficulties for other counties to manage the sex offender population within their jurisdiction.

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<sup>1</sup> California Sex Offender Management Task Force: Full Report - 2007

## Fundamental Principles and Policies (Continued)

- There are many community misconceptions about how to best monitor the sex offender population, how sex offenders are currently monitored and the threats sex offenders do and do not pose to communities. Any comprehensive sex offender management program must contain a **community education** component for it to be successful.
- Supervision programs administered at the local level will require **stable and adequate funding from the State** to ensure that the programs are appropriately staffed, accessible to local law enforcement departments, and effective.
- Global Positioning Systems (GPS) devices are but one of a multitude of tools that can be used simultaneously to monitor and supervise sex offenders. California counties believe that if the State is to adopt the use of GPS to monitor sex offenders a common system should be developed. This system should be portable and accessible no matter where an offender travels within California.
- Counties and the state should rely more heavily on the use of risk and needs assessments to determine how to allocate resources. These assessments will allow an agency at the local level to determine who is most at risk to reoffend and in need of monitoring.
- Regional collaboration should be encouraged as a means to address sex offender management.
- The level of government with jurisdiction to supervise a sex offender (state parole or county probation) should be responsible and be given the authority for managing that offender.
- Counties believe that for any policy to work, local governments and the State must work collaboratively to manage this population of offenders. The passage of Jessica's Law (Proposition 83, November 2006) intensified discussions regarding sex offender management and the public's perception about effective sex offender management policies. Accordingly, state and local governments should reexamine sex offender management policies.



WHEREAS, the County of Orange (County) is a strong proponent of the federal Clean Water Act (the Act); and

WHEREAS, counties, local flood control agencies and similar local government agencies in California and throughout the Country are required to obtain Section 404 Permits from the U.S. Army Corps of Engineers (Corps) to perform maintenance and construction activities within flood channels, basins and levees identified as within federal regulatory jurisdiction; and

WHEREAS, this maintenance and construction is critical to ensuring the proper function of the County's flood control, highway and park management systems and the ability of the County to provide necessary public improvements and carry out necessary operations and maintenance of these facilities is dependent on the Section 404 Permit Program operating efficiently; and

WHEREAS, the Corps' Section 404 Permit Program is significantly backlogged in processing construction and maintenance permits, resulting in delays to important projects and increasing the exposure of impacted communities to the risk of loss of life, significant property damage and financial loss; and

WHEREAS, the Section 404 Permit Program currently prevents public works agencies from performing their construction and maintenance responsibilities in a timely and responsive manner, and also mandates repetitive and costly mitigation requirements for routine maintenance activities, while at the same time placing undue liability on those agencies; and

WHEREAS, a typical permit process in the County of Orange took three years to obtain a Section 404 Permit to clear 13.5 acres of riparian growth in a channel bottom which was reducing flood protection capacity of the channel; and, as a condition of the permit the County was required to provide 42 acres of mitigation at a cost of \$2.8 million, as compared to the cost of the riparian removal which was \$700,000; and



WHEREAS, the County must submit a new Section 404 Permit application to perform this routine maintenance at this same location on an annual basis, and will be required to maintain in perpetuity anywhere from three to five acres of riparian or upland mitigation to maintain one acre of flood control channel or basin surface; and

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors does hereby declare its strong support for the federal Clean Water Act, and further advocates necessary revisions to the Section 404 Permit Program that will enhance and expedite public works agencies mission to execute their responsibilities in a timely and cost effective manner. And, further recommends that California State Association of Counties (CSAC) and National Association of Counties (NACo) work with all stakeholders to develop an expedited permitting process under the 404 Permitting Program that will support and enable public works agencies to execute their responsibilities to the public in a timely and cost effective manner.

Resolution No. 08-047, Item No. 31  
A resolution relative to USACE Section 404 Permit Program

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on April 29, 2008, to wit:

AYES: Supervisors: BILL CAMPBELL, PATRICIA BATES, CHRIS NORBY  
JOHN M. W. MOORLACH  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s): JANET NGUYEN  
ABSTAINED: Supervisor(s):

  
\_\_\_\_\_  
CHAIRMAN

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF ORANGE )

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .

IN WITNESS WHEREOF, I have hereto set my hand and seal.



  
\_\_\_\_\_  
DARLENE J. BLOOM  
Clerk of the Board  
County of Orange, State of California

Resolution No: 08-047  
Agenda Date: 04/29/2008  
Item No: 31



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors  
By: \_\_\_\_\_  
Deputy



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**Priorities and Principles  
For a New Authorization of Safe, Accountable, Flexible, Efficient Transportation  
Equity Act:  
A Legacy for Users (SAFETEA-LU)**

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The California State Association of Counties (CSAC), representing all 58 counties in California, has developed the following priorities and guiding principles for the authorization of a new federal transportation funding act. While we refer to the authorization of a new act as a "reauthorization" of the current act – SAFETEA-LU – CSAC supports the idea of creating a new and visionary act which builds upon the existing successful programs currently being implemented under SAFETEA-LU, but is also redesigned and streamlined to meet the needs of a national transportation system that faces unique challenges unlike any other time in history. A simple "reauthorization" of the existing act will not provide us with the tools necessary to meet these challenges. upcoming reauthorization of SAFETEA-LU.

These priorities and principles are aimed at improving the current federal transportation funding act as well as at addressing new and significant policy issues that require attention in the next reauthorization. CSAC is committed to assisting with the development of the next generation of federal transportation funding to ensure that our nation's transportation system allows us continued economic prosperity and is safe, secure, well-maintained, and that previous and future investments are preserved. Additionally, the next act should be environmentally sustainable and provide for a multitude of transportation options that are equitable and accessible to all Americans.

**General Objectives**

- Support a more streamlined and flexible approach to allocating federal funds, in which federal programs provide state, regional, and local agencies the flexibility ability to allocate federal funds for a range of highway, transit, local road, and bicycle/pedestrian improvements based on need. This could take shape by reducing the current 108 programs under SAFETEA-LU into a smaller number of more flexible programs, such as the 10 new federal programs recommended by the National Surface Transportation Policy and Revenue Study Commission. Regardless of what a more streamlined act looks like, the following are priorities that should be included in the next reauthorization:

**Protect and Enhance Transportation Revenues and Expenditures**

- Enhance revenues and keep the Highway Users Trust Fund solvent. This includes support for an increase and/or index of the federal gas tax.
- When considering consolidating existing programs, retain support for core programs such as preservation and safety.

**Protect Previous and Future Investments via System Maintenance and Preservation**

- ~~An increase in funding for existing or new programs should not reduce current levels of funding for existing programs and projects. If programs are consolidated or eliminated under a new act, there should be a hold harmless provision to ensure that each agency still receive the same level of support for specific types of projects and programs as in the last act.~~
- Provide increased funding as it is critically needed to provide for adequate maintenance and preservation of both the existing local and state transportation systems.
- Provide increased funding for preventative maintenance on bridges.

### **Increase Safety on Existing Transportation System**

- Increase funding for safety infrastructure projects on the existing transportation system, with an emphasis on programs/projects aimed at reducing fatalities, especially on the rural road system where fatality rates are the highest. Specifically, support and increase funding for the High Risk Rural Road Program (HRRR).
- Ensure funding for the implementation of the Strategic Highway Safety Plan (SHSP).
- Promote and increase funding for bicycle and pedestrian safety projects and programs.

### **Improve Environmental Stewardship and Address Climate Change Concerns**

- Provide financial incentives to States that adopt and set greenhouse gas (GHG) emissions reductions targets and programs to accomplish those targets.
- Provide funding to mitigate GHG emissions impacts in addition to air, water, and other environmental impacts.
- Provide incentives in current programs and/or provide new funding sources for climate change neutral or friendly transportation projects and programs. For instance, local street and road maintenance and preservation programs do not add to the GHG emission inventory and actually provide GHG emissions benefits by getting the traveling public to their destinations more quickly and efficiently.
- Provide financial incentives for rural sustainability. Understanding that every community in the nation must grow more efficiently in order to successfully combat climate change, jurisdictions that implement GHG emissions reductions strategies that focus on city-oriented growth and require conservation of critical resource and agricultural lands within the unincorporated area should be compensated for the loss of property taxes and other fees and taxes so that counties can continue to provide the necessary services to all countywide area residents, including equitable access to revenues available for transportation investment purposes.
- Provide financial support for planning processes, at the regional and countywide level, such as California's Regional Blueprint Planning Program, that integrate transportation and land use in ways to reduce projected vehicle miles traveled and fuel consumption, promote jobs/housing proximity, and transit oriented development.
- Provide assistance for data collection and determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range transportation plans.
- Provide funding for retrofitting equipment and for alternate fuel infrastructure.

### **Streamline the Regulatory and Project Delivery Processes**

- Support streamlining of federal regulations/requirements to facilitate more expeditious project delivery. For instance, mandate federal permitting agencies to meet the prescribed scheduled and deadlines that are specified in the environmental review process, reduce overhead, eliminate waste, and reduce documentation that is redundant with processes required under state law.
- Ensure that federal project oversight is commensurate to the amount of federal funding.

### **Increase State, Regional, and Local Agency Flexibility to Respond to Needs**

- Maximize the use and flexibility of federal funds by not requiring minimum federal matches.
- Eliminate the need to program multiple phases for small projects.
- Eliminate need for TIP programming for air quality neutral projects.

**Provide Assistance for Data Collection**

- Provide funding, *training*, tools, and uniform standards for the collection of roadway and traffic data specifically for the local and rural roadways. Without adequate data on local and rural roadways it is difficult to evaluate safety performance. There are no uniform, national standards for traffic safety data collection, system analysis, and management except with reporting of fatal incidents.

For more information regarding these priorities and principles, please contact:

Joe Krahn, Waterman & Associates, (202) 898-1444

DeAnn Baker, California State Association of Counties, (916) 327-7500 ext. 509



August 25, 2008

TO: CSAC Board of Directors

FROM: Paul McIntosh, Executive Director

RE: **November 2008 Ballot Initiatives: Propositions 5 and 6 — ACTION ITEM**

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**Recommended Action.** The CSAC Executive Committee recommends the following positions for two initiatives on the November ballot, which were reviewed by the Administration of Justice (AOJ) Policy Committee and, in the instance of Proposition 5, both the AOJ and Health and Human Services (HHS) Policy Committees on July 31:

- Proposition 5 – The Nonviolent Offender Rehabilitation Act (NORA): OPPOSE
- Proposition 6 – Safe Neighborhoods Act: OPPOSE

**Background.** A total of 12 ballot initiatives have qualified for the November 2008 general election. CSAC leadership reviewed the initiatives and assigned those deemed necessary for CSAC review and action to the appropriate policy committees. At a joint session on July 31, the CSAC AOJ and HHS policy committees reviewed and took action on Proposition 5, NORA. Subsequently, the AOJ Policy Committee examined the Propositions 6 (Safe Neighborhoods Act). For all initiatives, representatives from both the proponent and opponent perspectives provided testimony. Subsequently, the CSAC Executive Committee considered the recommended positions at its August 7 meeting and now is forwarding its recommendations to the CSAC Board of Directors for a final position.

Attached for further background and reference are the staff analyses developed for policy committee discussions on Propositions 5 and 6.

**Propositions 5 and 6: Fiscal Impacts.** It should be noted that for Propositions 5 and 6 the Executive Committee took action divergent from the recommended action of the policy committee(s), which in their recommendation to the Executive Committee endorsed the staff-recommended position of neutral on each of the initiatives. The primary area of concern cited in the Executive Committee's discussion of both Proposition 5 and 6 was a philosophical objection to "ballot box budgeting," whereby certain funding priorities are elevated over others by virtue of a voter-approved initiative. Executive Committee members expressed concern about locking in spending in a state budget that, not unlike a county's budget, has very limited discretionary funding flexibility. As discussed in further detail in the individual analyses of each proposition that follow, the collective impact of these initiatives — which would require nearly \$1.5 billion in state General Fund spending (which would grow over time given automatic annual inflators), with no offsetting revenue source — will further restrict the Legislature's and Administration's ability to craft a state budget in an era when chronic budget deficits threaten state support for a number of county programs and services.

Given the state's fiscal outlook and what appears, for the time being, to be an intractable, dysfunctional state budget process, Proposition 5 and 6, individually or collectively, may result in additional cuts in programs also supported by the state General Fund. While it is impossible to predict at this time how future reductions would

be carried out, it is likely that county-administered health and human services programs could suffer future reductions to accommodate the redirection of already overstretched state resources. It should further be noted that there are other complications and potentially negative county impacts if this year's state budget impasse were resolved with a budget reform package that included a spending cap. It is unclear how the language would be crafted to limit the state's expenditure authority if, indeed, state General Funds are dedicated to either drug treatment (Proposition 5) or to a variety of public safety initiatives (Proposition 6).

It was primarily for these reasons that the Executive Committee endorsed an oppose position for both NORA and the Safe Neighborhoods Act.

The attached analyses provide further background and set forth the recommended action on each of these items.

**Staff Contacts.** For more information on these propositions, please contact either the AOJ staff — Elizabeth Howard ([ehoward@counties.org](mailto:ehoward@counties.org) or 916.327.7500 ext. 537) or Rosemary Lamb ([rlamb@counties.org](mailto:rlamb@counties.org) or 916.327.7500 ext. 503) — or the HSS staff — Kelly Brooks ([kbrooks@counties.org](mailto:kbrooks@counties.org) or 916.327.7500 ext. 531), Farrah McDaid Ting ([fmcdaid@counties.org](mailto:fmcdaid@counties.org) or 916.327.7500 ext. 559).

**Proposition 5: The Nonviolent Offender Rehabilitation Act – ACTION ITEM  
STAFF ANALYSIS**

***Policy Committee Review: Administration of Justice and  
Health and Human Services***

**Recommended Position: OPPOSE**

**Background.** Proposition 5, the Nonviolent Offender Rehabilitation Act (NORA), would recast and expand provisions of the Substance Abuse Crime Prevention Act, approved by the voters as Proposition 36 in November 2000. The latter initiative required treatment for low-level drug offenders instead of incarceration. Given cross-cutting issues in the justice and treatment areas, Proposition 5 has been referred to the CSAC AOJ and HHS Policy Committees for joint consideration and action.

NORA is principally sponsored by the Campaign for New Drug Policies and the Drug Policy Alliance, advocacy groups that also backed Proposition 36. NORA qualified for the ballot this June, when backers turned in a reported 761,183 signatures. In addition, the County Alcohol and Drug Program Administrators Association of California (CADPAAC) has endorsed the initiative.

Opponents have united under the banner of People Against the Proposition 5 Deception and include the California Police Chiefs Association; some county Sheriffs, including Los Angeles, Sacramento, San Diego and San Bernardino; select District Attorneys; and drug court professionals. Furthermore, a coalition of the district attorneys in 34 counties, the California Police Chiefs Association, and former Governors Pete Wilson and Gray Davis filed a lawsuit earlier this month asking the California Supreme Court to remove NORA from the November ballot. The coalition believes NORA is unconstitutional because it would alter the power of judges and the governor to impose sentences and parole inmates. However, the California Supreme Court declined to hear this matter.

**Summary.** NORA's authors drafted the measure to redefine and enhance the state's existing Proposition 36 statutes. It would expand and largely replace the existing Penal Code (PC) Section 1000, Proposition 36, and drug court programs with a new three-track drug treatment diversion program primarily for nonviolent drug possession offenders. The three tracks are described briefly below:

- **Track I (6-18 months in duration):** Offenders who have no prior violent or serious offenses, but who may have prior drug offense, would be eligible for a 6-to-18-month state-funded drug treatment program. Similar to PC 1000, an offender who completes an assigned drug treatment program and stays out of trouble would have their charges dismissed and not be subject to probation.
- **Track II (1 year, with a possible 1 year extension):** This track is a modification of the existing Proposition 36 program. It would divert offenders who do not have a violent or serious felony on their record during the previous five years to treatment and probation for up to one year. This program differs from the current Proposition 36 program in that it permits participation by offenders who, along with committing a drug offense, concurrently committed a non-drug related offense. However, offenders with five or more drug offenses in the previous 30



months would be excluded from participating in Track II and automatically referred for consideration in Track III.

- **Track III (18 months, with an additional 6 month extension)**: Track III is similar to California's current drug court programs for adult felons. Track III would provide treatment and probation supervision in lieu of incarceration in prison or jail for 18 months (24 months if a 6 month extension is granted). Offenders who 1) committed a drug offense or other types of crimes but appear to have a drug problem or 2) were excluded from participating in Track II due to the number of crimes committed in the last 30 months would be eligible to participate in Track III programs.

It is assumed that the tiered treatment approach in Proposition 5 seeks, in part, to address what some perceived as shortcomings in Proposition 36, as that measure has been implemented over the last eight years. Many participants in the Proposition 36 program presented with far more serious and intractable addiction problems than originally were anticipated. Presumably, the three-track system would give the courts and providers more options to better address differing needs of various offenders.

#### *Changes to Parole System*

The measure also would make a number of parole system changes, including new rules regarding which offenders can be returned to prison and jail for parole violations, revised and often shorter (from six months to five years) parole terms, changes in parole revocation procedures, and requirements to provide programs for offenders both before and after they leave prison. Specifically, NORA would allow offenders to request up to a year of rehabilitation services within a year after they are discharged from parole. Such services would be provided by the county probation departments, but would be reimbursed by the state under the measure.

#### *Changes in Penalties for Marijuana Offenses*

NORA would also make the possession of less than 28.5 grams of marijuana by either an adult or a minor an infraction (similar to a traffic ticket) rather than a misdemeanor. Adults would still be subject to fines, but some of the money collected via penalties under NORA would be deposited in a special fund to provide additional support to the new youth programs created by this measure.

#### *Mental Health Provisions*

NORA also contains several provisions regarding mental health with the goal of improving mental health care for people who are in the criminal justice system. Specifically, the measure prohibits the denial of drug treatment services to a person due to a psychiatric or developmental disorder. Also, the measure states that mental health care may be required in addition to drug treatment and other services, but may not be provided in lieu of all other services.

The measure also allows dually diagnosed people (offenders with both a serious mental illness and a substance abuse problem) who are in court-supervised treatment programs to be considered for mental health services paid for by Proposition 63 (Mental Health Services Act (MHSA), November 2004). Under the provisions of Proposition 63, parolees are expressly excluded from receiving treatment funded through MHSA.

According to county mental health directors, Proposition 5 does not alter this prohibition on using Proposition 63 funds for parolees.

#### *State Department and Board Reorganization*

NORA makes a number of changes to the way in which the California Department of Corrections and Rehabilitation (CDCR) handles rehabilitation and parole programs. Specifically, the initiative would establish two secretaries for CDCR: 1) the Secretary of Rehabilitation and Parole (to serve a six-year term), who would preside over parole policies and rehabilitation programs; and 2) the Secretary of Corrections (to serve at the pleasure of the Governor), who would preside over adult institutions. In addition, a chief deputy warden for rehabilitation would be established at each state prison.

The measure also would create two new state commissions:

- The Parole Reform Oversight and Accountability Board (PROAB) would consist of 19 voting members and be located in CDCR.
- The Treatment Diversion Oversight and Accountability Commission (TDOAC) would consist of 23 voting members and be housed within the state's Department of Alcohol and Drug Programs (ADP).

NORA also would expand the Board of Prison Hearings from 17 to 29 commissioners.

#### *Youth Programs*

NORA would create a new county-operated program for nonviolent youth under age 18 deemed to be at risk of committing future drug offenses. Funding would be allocated to counties to run specific programs, including drug treatment, mental health medication and counseling, family therapy, educational stipends for higher education, employment stipends, and transportation services. A youth need not be charged with a drug offense to be referred to those services and programs.

**Funding.** NORA allocates \$460 million annually in state General Fund money to support the drug treatment and diversion programs outlined in the initiative.

If approved, the measure would direct resources to the Substance Abuse Treatment Trust Fund (SATTF), created under Proposition 36, as follows: \$150 million in the second half of the 2008-09 fiscal year and \$460 million in 2009-10 and thereafter. NORA also requires, after administrative and program costs are accounted for, that the remainder of the funding be designated in the following manner: 15 percent for Track I programs, 60 percent for Track II programs, and 10 percent for Track III programs.

The base funding level set forth by Proposition 5 would be escalated annually by an inflation adjustment and adjusted every fifth year to account for population changes. Furthermore, the measure prohibits the state or counties from using SATTF funds to replace funds currently used for the support of substance abuse treatment programs.

**Potential County Impacts.** This proposition contemplates an increased role for counties in the provision of rehabilitative programs and diverts funding from the state General Fund to support these new and expanded duties. Currently, many treatment programs –

especially those operated by counties – have waiting lists for services; this measure could substantially increase the workloads of numerous county and community-based treatment programs. Implementation of this initiative would be of utmost importance as counties determine how to allocate funds at the local level, ensure quality care for existing clients, and prepare the providers required to treat the increased offender population.

This proposition would require county probation departments to provide rehabilitative services to discharged parolees for up to one year for those parolees who opt into the program. While counties are to be reimbursed for such services, sustainability and certainty of funding is a concern. Furthermore, the ability to staff and train an adequate workforce — in both the probation and treatment fields — to deliver the expanded services contemplated by this proposition — especially at a time when workforce pressures from other corrections reform efforts — is also unclear. How this initiative will interact with the parole reforms currently being debated in this year's budget deliberations is uncertain.

In its analysis of Proposition 5, the Legislative Analyst's Office (LAO) points out that some of the funding distributed through the SATTf would require matching funds from counties, resulting in increased costs to counties.

As discussed previously, the initiative would earmark additional General Fund revenues for specific programs without new revenues. Given the state's fiscal outlook, the initiative may result in additional cuts in programs also supported by the state General Fund. While it is impossible to predict how future reductions would be carried out at this time, there is relatively little flexibility in the state budget, meaning that additional General Fund pressures could result in cuts to other county programs or priorities. These pressures could be further exacerbated if voters approve both Proposition 5 and Proposition 6, the Safe Neighborhoods Act, which dedicates state General Fund expenditures to public safety initiatives.

On the other hand, it is also important to note that current Proposition 36 funds are inadequate. The original initiative provided flat funding over five years with a sunset on funding at the end of 2005-06, but not on the program requirements. The Legislature has included appropriations in the state budget in the last two budget cycles, and funds are proposed in the pending 2008-09 budget. However, regardless of the state's budget decisions, counties still are obligated to provide the services and, because the provision of Proposition 36 treatment services stems from a voter-approved initiative, reimbursement through the Commission on State Mandates is not an option. Proposition 5 would provide additional state funds for substance abuse treatment well beyond what is currently budgeted. It is unknown how additional dollars available for treatment locally will impact county budgets, but the infusion of additional resources for treatment purposes would undoubtedly help with treatment service delivery structures locally.

Lastly, Proposition 63 contains strict guidelines regarding the distribution of funding at the local level. Counties are required to undergo strict community input processes to set up programming funded by Proposition 63, and it is not clear how the provisions of NORA will, as a practical matter, affect the distribution of MHSA funds at the local level.

**Staff Comments.** Consistent with CSAC policy, CSAC has advocated for increases in Proposition 36 funding (what would be Track II under Proposition 5). Clearly, counties

recognize the need for additional substance abuse treatment and the societal and systemic benefits achieved through an investment in treatment.

A cost-benefit report issued by UCLA on Proposition 36 shows that \$2.50 was saved for every dollar spent on Proposition 36 participants; those savings increase with longer treatment episodes. Additionally, the LAO independently estimated the fiscal effect of Proposition 36 on state prison and parole operations — and concluded that Proposition 36 investments result in prison savings of approximately \$2 for every \$1 invested. The LAO also concludes that a reduction in funding for Proposition 36 would probably eventually result in increased prison costs proportional to the amount of the reduction.

It should be noted that supporters and opponents of Proposition 5 have aligned themselves based upon their differences in philosophies about how best to address offenders with drug addictions. Those opposed to the initiative have expressed public safety concerns about, for example, certain discharge policies, stating that six months is not an adequate amount of time for parolees in a rehabilitative program to achieve positive results. Furthermore, there is concern among opponents, who generally favor the current drug court model, that drug courts will be assigned those offenders with the most intensive needs (Track III participants). However, this track, they point out, is the least amount of funding as compared to the other two tracks. Lastly, some law enforcement organizations are opposed to sanction-related provisions in the initiative.

**Recommended Action.** Given the negative fiscal implications of locking in state General Fund spending — both in terms of an overall approach to state budgeting and of potential reductions other county programs could suffer — the CSAC Executive Committee recommends an OPPOSE position on Proposition 5.

**Proposition 6: Safe Neighborhoods Act – ACTION ITEM  
STAFF ANALYSIS**

***Policy Committee Review: Administration of Justice***

**Recommended Position: OPPOSE**

**Background.** Proposition 6, the Safe Neighborhoods Act, is an expansive criminal justice reform initiative that would increase state funding to support a variety of public safety efforts, revise criminal penalties targeting certain offenders, and provide for enhanced services and support to victims of crime. Authored primarily by Senator George Runner, Mike Reynolds (author of the Three Strikes initiative), and San Bernardino County Supervisor Gary Ovitt, the initiative has gained broad support in the law enforcement community. A number of county-affiliated associations are in support, including the California State Sheriffs' Association, the California District Attorneys Association, and the Chief Probation Officers of California, as are numerous individual local law enforcement officials. The San Bernardino County Board of Supervisor also has endorsed the initiative.

Supporters of the initiative ([www.safeneighborhoodsact.com](http://www.safeneighborhoodsact.com)) cite four primary objectives in pursuing this effort:

1. Protecting victims and their families;
2. Ensuring necessary resources and tools are available to law enforcement to protect the public's safety;
3. Creating intervention and rehabilitation programs, with demonstrable measures of success through increased accountability; and
4. Strengthening criminal penalties for gang members, felons with guns, methamphetamine dealers, and other street criminals.

The opposition effort ([www.votenoprop6.com](http://www.votenoprop6.com)) is organized through the Ella Baker Center for Human Rights, an advocacy organization that promotes alternatives to violence and incarceration. Among those endorsing a no vote on Proposition 6 are the City and County of San Francisco, various civil rights interests, and several state and local elected officials, including Alameda County Supervisor Keith Carson and Contra Costa County Supervisor John Gioia. Opponents argue that Proposition 6 would divert scarce resources away from other state priorities including schools and healthcare.

**Summary of Key Provisions.** The key elements of Proposition 6 are summarized below, beginning with provisions relating to financial support for new and existing law enforcement efforts and criminal justice programs.

***Expanded Funding and Programs***

The measure dedicates, on an ongoing basis, state General Funds, beginning in the 2009-10 fiscal year, to a number of existing public safety programs; establishes authority and funding for a number of new criminal justice initiatives; and applies an annual inflationary index (California Consumer Price Index) to all of the programs and services outlined below.

**DEDICATED FUNDING FOR EXISTING PUBLIC SAFETY PROGRAMS**

<b>Program</b>	<b>Funding Level</b>
Citizens' Option for Public Safety (COPS)	Increases annual funding to <b>\$125 million</b>
Juvenile Justice Crime Prevention Act (JJCPA)	Increases annual funding to <b>\$125 million</b>
Juvenile Probation and Camp Funding	Assures annual funding of at least <b>\$201.3 million</b>
Youthful Offender Block Grant (SB 81, juvenile population transfer of 2007)	Guarantees ongoing annual support of <b>\$92.5 million</b> , reflecting funding needed to accommodate full implementation of non-707(b) youthful offender population transfer
California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET)	Assures annual funding of at least <b>\$29.4 million</b>
Booking fee "replacement" revenue	Guarantees funding of at least <b>\$35 million</b> in local detention facility revenue
Central Valley and Central Coast Rural Crime Prevention Programs	Guarantees level funding received in 2007-08 ( <b>\$3.7 million combined</b> )

**FUNDING FOR NEW INITIATIVES**

<b>Program</b>	<b>Funding Level</b>
Juvenile Probation Facility and Supervision (JPFS) Fund	<b>\$50 million</b> annually to support repair and renovation of juvenile detention facility, juvenile deferred entry of judgment programs, and intense supervision of youthful probationers (aged 18 to 25)
Victims' assistance services	<b>\$12.5 million</b> annually, of which: <ul style="list-style-type: none"> <li>• \$10 million dedicated to efforts undertaken by county sheriffs, district attorneys, or local police departments related to victims' services;</li> <li>• \$2.5 million earmarked for county sheriffs' departments participating in the Victim Information and Notification Everyday (VINE) program</li> </ul>
Crimestopper Reward Reimbursement Fund	<b>\$10 million</b> annually to support payment of rewards for Crimestopper program (paid to tipsters who provide information to law enforcement leading to an arrest)
Victim Trauma Recovery Fund	<b>Unknown level of support</b> (dependant upon new distribution of State Penalty Fund) for comprehensive victim recovery
Child Advocacy Center Fund	<b>Unknown level of support</b> (dependant upon new distribution of State Penalty Fund) to support child advocacy centers dedicated to coordinated investigation and prosecution of alleged child abuse cases
Parole Reentry Fund	<b>\$30 million</b> annually to support programs and services for parole mentoring and workforce preparation programs
Safe Neighborhood Fund	<b>\$250 million</b> in support of a range of programs seeking to augment local law enforcement and early intervention capacity through regional anti-gang networks, including the following key elements: <ul style="list-style-type: none"> <li>• <b>\$65 million</b> to county probation departments, as follows: <ul style="list-style-type: none"> <li>○ \$50 million to probation programs to alleviate probation caseloads and provide intensified supervision to adult probationers</li> <li>○ \$15 million to fund task forces for high-risk probationers to ensure compliance with court orders; participating counties shall establish a Developing Increased Safety through Arms Recovery Management (DISARM) Team to remove firearms from high-risk probationers</li> </ul> </li> <li>• <b>\$25 million</b> to county sheriffs to support construction and operation of jails</li> <li>• <b>\$30 million</b> distributed on pro rata basis to city police agencies</li> <li>• <b>\$25 million</b> distributed to district attorneys for violent felon, gang, or car theft vertical prosecution</li> <li>• <b>\$15 million</b> to the Office of Public Safety Education to support multi-</li> </ul>

Program	Funding Level
	agency, regional gang task forces and for training of police and sheriffs <ul style="list-style-type: none"> <li>• <b>\$20 million</b> to county sheriffs and mid-sized cities with populations under 300,000 not currently eligible for \$100,000 minimum COPS allocation; of that \$5.8 million distributed in equal amounts (\$100,000) to county sheriffs' departments and \$14.2 million to mid-sized cities in pro rata shares</li> <li>• <b>\$15 million</b> to counties for GPS monitoring of high-risk offenders</li> <li>• <b>\$2.5 million</b> allocated to Office of Public Safety Education for cities that enforce civil gang injunctions</li> <li>• <b>\$10 million</b> to DOJ for California Witness Protection Program</li> <li>• <b>\$5 million</b> to Office of Public Safety Education (OPSE) and Information, which shall contract with DOJ, to develop secure gang data warehouse</li> <li>• <b>\$10 million</b> for multi-agency narcotics task force, focusing on border interdictions (prohibits limitation on leadership roles for qualifying task forces already in existence)</li> <li>• <b>\$15 million</b> to fund Office of Public Safety Education and Information for public service and administration activities</li> <li>• <b>\$10 million</b> to OPSE for matching local expenditures to fund law enforcement-operated juvenile recreational and community service programs; priority given to services for at-risk juvenile populations, alternatives to gangs</li> </ul>
Safe Neighborhoods Compliance Enforcement Fund	<b>\$10 million</b> annually to ensure compliance with occupancy requirements of public (Section 8) housing, with a stated goal of eliminating criminal activity among public housing residents to assure that scarce housing resources are made available to law-abiding citizens

Taken together, the various funding elements of Proposition 6 total \$952 million annually. This amount exceeds by \$352 million the 2007-08 commitment of state General Fund resources to various public safety, rehabilitative, and intervention programs. Total dedicated revenues of approximately \$1 billion to the various public safety programs represent roughly 1 percent of the overall state General Fund.

*Provisions Relating to Juvenile Justice*

Proposition 6 recasts various statutes that deal primarily with funding and administering existing juvenile justice programs. A few such provisions are notable from the county perspective. First, the initiative would modify and reduce the composition of the multiagency juvenile justice coordinating council (Welfare and Institutions Code Section 749.22), which is charged with, among other responsibilities, developing the county's comprehensive juvenile justice plan, in accordance with the requirements of the JJCPA. Under the changes proposed under Proposition 6, composition would be limited only to those individuals specified in statute. Further, representation from a community-based drug and alcohol program, a community-based provider, as well as an at-large member would be eliminated. Proposition 6 also would expressly prohibit participation in the coordinating council of any person representing a private or non-profit entity that previously received or may be in line to receive funding for juvenile or adult offenders or other at-risk populations.

Further, the initiative narrows the provisions (Welfare and Institutions Code Section 1951) relating to the funds counties receive under the provisions of SB 81 (2007), which transferred responsibility for certain juvenile offenders to counties. Under the original legislation, funds made available in the Youthful Offender Block Grant (YOBG) were directed for use to "enhance the capacity of county probation, mental health, drug and

alcohol, and other county departments” for purposes of providing necessary services to treat, house, and rehabilitate this population. Proposition 6 eliminates mention of all other county functions except for probation. Changes to this same code section make clear that savings associated with relief from making sliding scale fee payments — that otherwise would have been paid had the youth been committed to a state facility — are to be directed into the YOBG and made available to the probation department.

#### *Increased Oversight and Accountability*

To ensure increased oversight of intervention and rehabilitative programs and to increase public accountability and education, the measure also would:

- Establish the Office of Public Safety Education and Information, charged with various activities associated with public education programs aimed at deterring crime, supporting victims, and encouraging cooperation with law enforcement.
- Establish the California Early Intervention, Rehabilitation, and Accountability Commission to evaluate, propose accountability standards, and make funding recommendations regarding publicly funded crime deterrence programs.

#### *Enhanced Criminal Penalties for Certain Offenders*

The initiative would enact numerous statutory changes intended to strengthen penalties for a range of crimes, primarily those involving street gangs, felons who use firearms, and certain drug offenses. Further, the measure would fortify laws concerning civil injunctions against criminal street gangs and would create a new presumption that a juvenile aged 14 or older who is alleged to be in felony violation of criminal street gang laws is unfit for juvenile court.

#### *Other Provisions*

Other notable provisions include the following:

- The initiative gives authority in jurisdictions under either a court- or self-imposed jail population cap to use temporary or alternative housing options for jail inmates. Use of temporary facilities would be determined by the county sheriff and would require a resolution by the Board of Supervisors.
- Proposition 6 clarifies that GPS monitoring imposed by state parole is a state expense and that any requirement to impose monitoring duties on counties is defined as a fully reimbursable state mandate.
- The measure would prohibit the granting of bail or release on their own recognizance of undocumented offenders charged with a violent or gang-related felony. Further, Proposition 6 requires county sheriffs to notify federal immigration authorities and compels law enforcement, district attorney and court personnel to register immigration status in an undocumented offender’s criminal record to facilitate reimbursement through the State Criminal Alien Assistance Program.
- Any changes to the initiative — with the exception of modifications to penalty enhancements — require a three-fourths vote of each house or by a statute that only becomes law if also passed by the voters.
- A non-supplantation clause prohibits any level of government from reducing funding levels for initiatives outlined in this measure below the funding level received in 2007-08 or 2008-09, whichever is higher.



**County Impacts.** Establishing permanent and stable funding for public safety programs would certainly provide resources that would benefit, in particular, sheriff, probation and district attorney efforts at the local level. The core subventions — most of which have been funded for at least the last decade through the state budget — are currently subject to annual appropriation. CSAC has, in particular, been a strong supporter of programs such as COPS, JJCPA, JPCF, and revenue to replace resources previously derived from the application of the booking fee, and counties rely on these various funding sources for core intervention, prevention, and front-line services delivered locally. The funding guarantees contained in Proposition 6 would give greater certainty in county budgets for a range of new and expanded services.

The various new initiatives established and funded in Proposition 6 would address service gaps and help support a more robust continuum of services for juvenile offenders, significantly bolster service provision for adult probationers, help mitigate the “revolving door” in the criminal justice system, and provide for resources to address ongoing facility needs in both adult and juvenile detention systems. These investments will undoubtedly aid counties in enhancing local public safety efforts.

However, the benefits for the local public safety sector may be offset by resulting impacts on other county systems. To the extent that the measure locks in state General Fund expenditures for specified public safety purposes, there will be even fewer discretionary resources in the state coffers to dedicate to other shared county-state priorities. (These effects could be further magnified if both Proposition 5, the Nonviolent Offender Rehabilitation Act, and Proposition 6 are approved by the voters, given that both redirect hundreds of millions in state General Funds.) Of greatest concerns is that county health and human services programs could suffer the brunt of the resources constraints, given the lack of relative maneuverability in the state budget process. Although the amount of funding Proposition 6 would devote to public safety purposes is relatively minor (less than 1% overall, and roughly 0.3% for total new spending) compared to all state General Fund spending, in the current budget context — with significant, ongoing structural deficits in the tens of millions of dollars and no signs of a long-term plan to address the chronic “boom and bust” nature of the budget process — any new demand for funding necessarily has to come at the expense of another spending priority.

How the Legislature and Administration would accommodate spending requirements resulting from Proposition 6 are unknown, but it is reasonable to assume that state funding for county health and human services programs could experience some level of reduction, which could have resulting deleterious effects at the local level for residents and communities in need.

Many counties have identified public safety as their primary local priority. This initiative would elevate the priority of public safety funding over other critical public services. However, given that CSAC represents the full range of county interests, it does not seem appropriate to favor one significant and critical component of counties broad set of responsibilities over another. Further, the fact that individual county boards and supervisors have lined up on both sides of this measure demonstrates the inherent conflicts counties face with regard to this measure.

We would further observe that, CSAC, as a matter of policy and long-standing practice, does not take positions on changes to law resulting in a new crime, sentencing changes,

or other modifications to sanctions. This practice reflects the diversity of viewpoints and opinions among county officials regarding questions of appropriate sanctions in our penal system.

**Recommended Action.** Given the negative fiscal implications of locking in state General Fund spending — both in terms of an overall approach to state budgeting and of potential reductions other county programs could suffer — the CSAC Executive Committee recommends an OPPOSE position on Proposition 6.

**Attachment.** The proponents of Proposition 6 have submitted an informational document, which is included immediately following.

## Proposition 6 – Safe Neighborhood Act (SNA) Analysis

The Safe Neighborhoods Act embraces and builds upon a priority to reform gang sentencing and secure stabilized funding for local public safety programs sought for many years by groups such as California State Sheriffs Association, California District Attorneys Association and the Chief Probation Officers of California. Proposition 6 invests in and makes permanent many elements of a three pronged strategy of suppression, intervention, and prevention that benefits the state and local criminal justice systems. Proposition 6's comprehensive nature would be consistent with Proposition 1A and county governments' claims for support of state general fund. The total spending represents less than 1% of the state general fund, 2/3 of which represents funding currently appropriated from state general fund. The appropriations in the initiative are predominately state funds that have been allocated to local public safety programs, significantly subsidizing county general funds. The new appropriations consist of programs that will ultimately lead to lower state general fund commitments to prisons because early intervention and supervision will ultimately lead to fewer state prison commitments.

### **Safe Neighborhoods makes clear that public safety is a top priority of state government**

- Protects existing local law enforcement programs from annual budget volatility
- Establishes new, sustainable funding for gang crime suppression, intervention, and prevention efforts supported by every statewide law enforcement organization
- Prop 6 is not a constitutional initiative and does not build base spending (like Prop 98); does not have a repayment provision (Prop 98, Prop 1A, and Prop 42) when it is necessary to suspend and funding is tied to California's consumer price index

### **Safe Neighborhoods provides sustainable resources for prevention and intervention**

- Increases funding for juvenile programs which allow first time offenders to have their records expunged if they complete court ordered programs
- Funds juvenile recreational and community service programs for at-risk youth
- Creates a parolee mentoring and job training program to assist in reentry

### **Safe Neighborhoods expands upon and stabilizes policies and programs that protects local communities**

- Enhances statewide gang databases (CalGANG/COPLINK)
- Establishes a DOJ registry of convicted gang offenders
- Provides capacity for local enforcement to track gang offenders with GPS
- Increases penalties for gang intimidation of victims, witnesses, and jurors
- Expands Victim Witness Protection Program

### **Safe Neighborhoods enhances public involvement and public accountability**

- Creates the Governor's Office of Public Safety Education (OPSE) to inform and engage the public in anti-crime efforts and to exercise oversight of statewide gang taskforces and related programs

- Establishes the California Early Intervention, Rehabilitation, and Accountability Commission to determine and replicate best practices (Governor appoints 3 members, names the chair, and appoints the executive officer)

Proposition 6 will promote the programs and funding for public safety that the CSAC and their affiliates have fought for in the past. As demonstrated above, the claims of ballot box budgeting is greatly exaggerated. While the Safe Neighborhoods Act will be a clear dedication and statement that public safety should be a priority for government, it will not be at the expense of crowding out the other 99% of the state general fund but will instead remove it as a pawn in solving the budget, year after year.



August 26, 2008

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To: CSAC Board of Directors  
From: Mike Nelson, Chair, Agriculture & Natural Resources Policy Committee  
Jon Vasquez, Vice-Chair, Agriculture & Natural Resources Policy Committee  
Re: **Proposition 7: The Solar and Clean Energy Act of 2008**

---

**Executive Committee Recommendation:** The CSAC Executive Committee met on August 7, 2008 and voted to recommend an "oppose" on Proposition 7 based on a recommendation from the CSAC Agriculture and Natural Resources Policy Committee. The Executive Committee shared the concerns of the policy committee that this measure would preempt local land use authority by reassigning permitting authority from locals to the Energy Commission for approval of solar and clean energy plants and related facilities within their jurisdictions. Consequently, the Executive Committee voted to recommend that the CSAC Board of Directors take an "oppose" position on Proposition 7.

**Initiative Summary:** Legal Title and Summary given on 12/14/2007

This measure would make a number of changes regarding the State's Renewable Portfolio Standard (RPS) and the permitting of electricity generating facilities and transmission lines. Specifically, Proposition 7 would:

- o Require ALL utilities to provide 20% of power from renewable sources by 2010, 40% by 2020, and 50% by 2025. (Current law requires that 20 percent of electricity sold to customers by renewable by 2010; state agencies and the Governor have established a 33 percent target by 2020).
- o The initiative would change the definition of 'retail seller' and would include publicly-owned utilities in the new definition.
- o Would fast-track approvals for development of solar and clean energy plants and related transmission facilities.
- o Would create production incentives; create new assessment of penalties for utilities that don't comply; require 20-year long term contracts for solar and clean energy (current length is 10 years for contracts).
- o Caps impacts on consumer electricity bills at 3 percent, (specifies no pass-through of rate increase to consumers).
- o Gives the Public Utilities Commission (PUC) the power to enforce compliance of RPS upon privately-owned utilities, assess penalties, and prohibit utilities from passing on penalties to consumers.
- o Grants power to California State Energy Resources Conservation and Development Commission (Energy Commission) to oversee compliance and penalty assessment for government-owned utilities.
- o Grants power to the Energy Commission to allocate funds to purchase, sell, or lease property, personal property or rights of way for the development and use of the property and rights of way for the generation/transmission of solar and clean energy, and to upgrade existing transmission lines.
- o Makes a number of "Findings and Declarations" regarding climate change and other environmental factors in California, including California's reliance on dirty energy. Makes reference to "government-owned utilities like those in Los Angeles and Sacramento [who] lobbied successfully to exempt themselves from the law."



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**Fiscal Impact:** The Attorney General's Title and Summary identifies "potential state administrative costs of up to \$3.4 million annually for the regulatory activities of the Energy Resources Conservation and Development Commission and the California Public Utilities Commission, paid for by fee revenues. Potential, unknown increased costs and reduced revenues, particularly in the short term, to state and local governments resulting from the measure's potential to increase retail electricity rates, with possible offsetting cost savings and revenue increases, to an unknown degree, over the long term to the extent the measure hastens renewable energy development."

**Support/Sponsors of Initiative:** Jim Gonzalez is the Campaign Chair of "Californians for Solar and Clean Energy" and the filer of the initiative. There are a number of endorsers including former Senators Martha Escutia and John Vasconcellos and the following:

John L. Burton - Past President pro Tem California State Senate, and former Chair, California Democratic Party

Dolores Huerta - Co-Founder, United Farmworkers Union

Keith Carson - Member, Alameda County Board of Supervisors

James Gollin - Chair, board of Directors, Rainforest Action Network

Dr. Yogi Goswami, Ph.D. - Past President, International Solar Energy Society

Dr. Ernst von Weizsacker Ph.D. - Dean, Donald Bren School of Environmental Science & Management, University of California Santa Barbara

**Opposition:** Opposition to the measure ranges from renewable energy groups, labor, utilities to environmental groups. Below are a few of the notables:

League of California Cities

Center for Energy Efficiency and Renewable Technologies (CEERT)

California League of Conservation Voters

Natural Resources Defense Council

Environmental Defense

Union of Concerned Scientists

Vote Solar Initiative

Some renewable energy companies

Chapters of International Brotherhood of Electrical Workers

California Solar Energy Industries Association

American Wind Energy Association

California Chamber of Commerce

Pacific Gas & Electric



August 25, 2008

TO: CSAC Board of Directors

FROM: Elizabeth Howard and Rosemary Lamb  
CSAC Administration of Justice Policy Committee Staff

RE: **November 2008 Ballot Initiatives: Proposition 9 — ACTION ITEM**

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**Recommended Action.** The CSAC Executive Committee recommends a NEUTRAL position on Proposition 9, the Victims' Rights Act of 2008.

**Background.** As indicated previously, a total of 12 ballot initiatives have qualified for the November 2008 general election. CSAC leadership reviewed the initiatives and assigned those deemed necessary for CSAC review and action to the appropriate policy committees. In addition to consideration of Propositions 5 and 6, the Administration of Justice (AOJ) Policy Committee also examined at its July 31 meeting Proposition 9, an initiative to enhance and extend victims' rights. The policy committee endorsed a neutral position; the CSAC Executive during its August 7 meeting concurred with this recommended position.

Counties will recall that in June 1982 voters passed Proposition 8, known as the Victims' Bill of Rights. Proposition 8 amended the state Constitution and various statutes to grant crime victims the inalienable right to be notified of and attend sentencing and parole hearings for purposes of offering a victims' statement. It also established the right of crime victims to obtain restitution from any person who committed the crime that caused them to suffer a loss. In addition, Proposition 8 established a right to safe schools for students in a grade levels up to high school. The 2008 Victims' Right Act, also known as Marsy's Law, seeks to make adjustments to existing law in an effort to address concerns advanced by certain victims' advocates who believe Proposition 8 has not been implemented as was intended.

**Summary.** Proposition 9 of 2008 would amend Section 28 of Article 1 of California's Constitution. It contains three main components:

1. *Ensures Victim Notification and Restitution:* The proposition allows for victims, upon request, to be notified of all public proceedings, including delinquency proceedings and allows the victim to be present at all parole and post-conviction release proceedings. Furthermore, it allows for the victim, upon request, to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision or any proceeding in which a right of the victim is at issue. In addition, it assures that victims have the highest right to restitution by elevating to the Constitution an existing Penal Code provision that gives victim restitution priority over all other payments ordered by the court. Upon further examination, it is believed that this particular provision will have limited impacts for counties, given that effectively the same right is presently set forth in statute.
2. *Restricts Early Release of Inmates.* Under this proposition, state and local governments may experience certain limitations in their ability to address overcrowding in state prisons and county jails. While the proposition does not expressly prohibit the early release of inmates, it states that sentences should be carried out in compliance with the court's order and discourages use of early release practices. The specific language on this point is as follows:

“Sentences...shall be carried out in compliance with the courts’ sentencing orders, and shall not be substantially diminished by early release policies intended to alleviate overcrowding in custodial facilities. The legislative branch shall ensure sufficient funding to adequately house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.”

The specific local impacts and the extent to which this provision will, as a practical matter, limit government’s ability to carry out early release policies — particularly in the face of court-ordered population caps — is not clear. Its application, in all likelihood, will require court interpretation.

3. *Modifies Existing Parole Practices.* Proposition 9 provides victims with the right to be present and speak at parole hearings and prevents the offender or his or her counsel from questioning the victim. In addition, it reduces the number of parole hearings available to an inmate who has been denied parole while incarcerated. Currently, an inmate can have their parole hearing rescheduled two years after his or her last denial; this proposition sets certain time frames for reconsideration at 15, 10, 7, 5, or 3 years after a denial pending certain factors including “the consideration of whether the public and victim’s safety does not require a more lengthy period of incarceration for the prisoner” prior to their next parole hearing.

**Other Provisions.** Proposition 9 extends the right to safe schools protection currently set in existing law by Proposition 8 to community colleges, colleges and universities. It also adds that the term victim applies to the person’s spouse, parents, children, siblings or guardian and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically challenged.

**County Impacts.** The provision in Proposition 9 with the most significant potential impact for counties is the potential limitation on counties’ ability to address jail overcrowding by releasing inmates who pose the least risk to public safety early. Thirty-two counties are under either federally-imposed or state-imposed jail population caps, and this restriction would exacerbate overcrowding at the local level and raise the costs of operating jails due to increased capacity. As indicated above, it is unclear what the practical impacts of this provision will be.

The second key impact of interest to counties relates to the priority payment of victim restitution. In its analysis, the Legislative Analyst’s Office (LAO) points out that the language giving victim restitution highest payment priority could result in counties could receive less revenue from collections. The magnitude of this impact is unknown, but could be significantly mitigated, given that it is largely duplicative of current law. Penal Code Section 1203.1b currently states that victims’ restitution takes priority over payment of any other fee, fine, or penalty ordered by the court.

Typically, CSAC traditionally refrains from weighing in on changes to law that create a new crime, enhance a penalty, or change punishment for a particular offense given the variance of perspectives around the state on these matters.

**Recommended Action.** The CSAC Executive Committee recommends a NEUTRAL position on Proposition 9.





August 26, 2008

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To: CSAC Board of Directors  
From: Mike Nelson, Chair, Agriculture & Natural Resources Policy Committee  
Jon Vasquez, Vice-Chair, Agriculture & Natural Resources Policy Committee

Re: **Proposition 10: The California Alternative Fuels Initiative**

---

**Executive Committee Recommendation:** The CSAC Executive Committee met on August 7, 2008 and voted to recommend a support position on Proposition 10 based on a recommendation from the CSAC Agriculture and Natural Resources Policy Committee. The Executive Committee did raise a concern regarding the indebtedness of the State, and the whether another bond measure was desirable in our present fiscal situation. The support position was based on CSAC's existing policy to support and encourage the development and use of alternative energy sources.

**Initiative Summary:** Would authorize \$5 billion in bonds paid from state's General Fund. Fifty-eight percent of the bond proceeds would be dedicated to "improving air quality, decreasing greenhouse gas emissions and reducing dependence on foreign oil." Financial incentives for research, development, and demonstration of alternative fuel and high efficiency vehicles, and alternative fuels are included in this account. \$2.9 billion, which is the largest expenditure in the Act, would come from this account for rebates to consumers and businesses for the purchase of alternative and clean fuel vehicles and alternative fuel vehicle home refueling appliances.

Specifically the measure details the following:

- Invest \$5 billion in projects and programs designed to enhance California's energy independence and to reduce California's dependence on foreign oil, reduce greenhouse gas emissions, implement the California Global Warming Solutions Act of 2006 and improve air quality.
- Provide incentives for the engineering, design and construction of facilities and related infrastructure for the large-scale production of electricity using renewable energy technologies, such as solar, wind, geothermal, and tidal power.
- Provide incentives for individuals and businesses to purchase or lease and install equipment in California for the production of electrical energy utilizing renewable energy technologies.
- Provide rebates for individuals and businesses to purchase clean alternative energy vehicles, including hybrid, plug-in hybrid and natural gas powered vehicles. Funds will also be provided for testing and certification of alternative fuel vehicles and research and development of low-carbon fuels.
- Provide funds for local governments to create renewable energy demonstration projects and educational projects in their communities. Provide grants to California public universities, colleges and community colleges for the purpose of training students to work with clean and renewable energy technologies.
- Provide consumer education on the availability and use of clean and renewable energy products and services.
- Make full use of California's resources and its capability for innovation to develop new ways to meet the state's important long-term goals: the Renewable Portfolio



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Standard, Control of Greenhouse Gas Emissions and Criteria Air Pollutants from Motor Vehicles and the state's petroleum reduction goals set forth in this Act.

- Ensure that the revenues from this measure are invested wisely in commercially viable technology achieving short-term and longer-term measurable results while supporting research and new technologies, and require mandatory independent audits and annual progress reports so that project administrators are accountable to the people of California.

**Fiscal Impact:** According to the Legislative Analyst and Director of Finance, "the fiscal impact on state and local government is a State cost of about \$9.8 billion over 30 years to pay both the principal (\$5 billion) and interest (\$4.8 billion) costs on the bond, equaling payments of about \$325 million per year. Increase in state sales tax revenues of an unknown amount, potentially totaling in the tens of millions of dollars, over the period from 2009 to beyond 2018.

The measure provides \$2.875 billion for a variety of vehicle and appliance rebates. To the extent the rebates result in consumers purchasing vehicles and appliances that are more expensive than those that they would otherwise purchase, state sales tax revenues would increase, which could result in the increase in local sales tax and VLF revenues of an unknown amount, potentially totaling in the tens of millions of dollars, over the period from 2009 to about 2018-19. Potential state costs of up to about \$10 million annually, through about 2018 -19, for state agency administrative costs not funded by the measure."

**Support/Sponsors of Initiative:**

Dr. Alan Henderson, *Past President American Cancer Society, California Division*  
John Dunlap, *Past Chairman, California Air Resources Board*  
Plug in America  
Consumers First  
Phoenix Motor Cars, Ontario, California  
California Natural Gas Vehicle Partnership  
Michela Alioto-Pier, *Supervisor, County of San Francisco*  
Miguel Pulido, *Mayor, City of Santa Ana and Governing Board Member, South Coast Air Quality Management District*  
David Hochschild, *Co-chair, San Francisco Solar Task Force*  
Ed Begley, Jr., *Actor*  
Ron Dellums, *Mayor, City of Oakland*  
Phil Ting, *Assessor, City and County of San Francisco*  
Beth Krom, *Mayor, City of Irvine*  
Larry Agran, *City Councilmember, City of Irvine*  
Bob Foster, *Mayor, City of Long Beach*  
City of Oakland

**Opposition:**

Consumer Federation of America  
The Utility Reform Network (TURN)  
California Federation of Teachers



August 26, 2008

TO: CSAC Board of Directors

FROM: Supervisor Mike Nelson, Chair, Agriculture & Natural Resources Policy Committee  
Supervisor Jon Vasquez, Vice-Chair, Agriculture & Natural Resources Policy Committee

RE: **CSAC Policy Direction on State Water Proposals**

---

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The Executive Committee met on August 7, 2008 and approved the CSAC Policy Direction on State Water Proposals with a recommendation for final adoption by the CSAC Board of Directors (attached). This was based on a recommendation from the CSAC Agriculture and Natural Resources Policy Committee.

The proposed policies are consistent with existing CSAC policy direction concerning water, land use, agriculture, forestry, climate change and flood protection to name a few (attached). They are based upon input provided during the March 28 meeting of the CSAC Agriculture and Natural Resources Policy Committee in which the Delta was the sole topic of discussion. The proposed policies also build upon CSAC's existing policy that recognizes the Sacramento-San Joaquin Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agriculture and economic interests.

These policy statements will supplement existing CSAC policy, and will assist staff in developing recommendations regarding the State Water Plan, the Delta Vision Task Force Strategic Plan, and the Bay Delta Conservation Plan.

## **CSAC Interim Policy Direction on State Water Proposals**

*(As approved by the CSAC Executive Committee on August 7, 2008)*

As the nation's most populous state, California faces many complicated and compelling water resource issues. The California State Association of Counties (CSAC) recognizes the complexities of water use and distribution throughout the state and has reiterated its position on this issue over the years through various policy statements, including, but not limited to support for statutory protection of counties of origin and watershed areas, support for existing water rights, the need for new and expanded water resources, and the need for local water conservation efforts. CSAC also acknowledges the reliance of counties on the Delta as a water delivery system, and recognizes the urgency with which all of the Delta partners, including the State must act to resolve and fund infrastructure, environmental and supply issues.

Recent discussions and impending decisions regarding the Delta necessitate the inclusion of policy direction in CSAC's platform to ensure consideration of county interests. The proposed policies will be relied upon by CSAC staff in conjunction with existing CSAC policy in developing recommendations regarding the State Water Plan, the Delta Vision Task Force Strategic Plan, and the Bay Delta Conservation Plan.

The proposed policies are consistent with existing CSAC policy direction concerning water, land use, agriculture, forestry, climate change and flood protection to name a few. The proposed policies also build upon CSAC's existing policy that recognizes the Delta as a critical region of statewide importance encompassing vital water, transportation, energy, agriculture and economic interests.

CSAC believes that any proposed Delta solutions be implemented in a manner that:

- Respects the affected counties' land use authority, revenues, public health and safety, economic development, water rights, and agricultural viability.
- Promotes recreation and environmental protection.
- Ensures Delta counties' status as voting members of any proposed Delta governance structure.
- Improves flood protection for delta residents, property, and infrastructure.
- Improves and protects the Delta ecosystem, water quality, flows and supply.
- Ensures consistency with affected counties adopted policies and plans.

- Secures financial support for flood management, improved emergency response, preservation of agriculture, protection of water resources, and enhancement and restoration of habitat.
- Accords special recognition, and advances the economic vitality of "heritage" or "legacy" communities in the Delta.
- Demonstrates a clearly evidenced public benefit to any proposed changes to the boundaries of the Delta.
- Support development of adequate water supply for the south, utilizing the concept of "Regional Self Sufficiency" whereby each region maximizes conservation and recycled water use, implements storage (surface and groundwater) and considers desalination, as necessary.

## **CSAC Existing Water Policy Statements**

The following is a summary of CSAC's existing water policy statements. These statements are located in Chapter 3 of the CSAC Policy Platform or other policy platforms adopted by the CSAC Board of Directors, such as the CSAC legislative priorities, or the Flood Protection and Climate Change Policy Platforms.

- Provide innovative incentives that will encourage agricultural water conservation and retention of lands in agricultural production. **(CSAC County Platform – Section 2 - Agriculture Policy)**
- Ensure water and air quality standards are retained at a level that enables agricultural production to continue without significant lessening in the quantity or quality of production. **(CSAC County Platform – Section 2 - Agriculture Policy)**
- Counties must be compensated for any third party impacts, including, but not limited to, curtailed tax revenues and increases in costs of local services occasioned by an export project. **(CSAC County Platform – Section 6 – Water Resource Management)**
- Counties support statutory protection of counties of origin and watershed areas. These protections provide that only water that is surplus to the reasonable ultimate human and natural system needs of the area of origin should be made available for beneficial uses in other areas **(CSAC County Platform – Section 6 – Water Resource Management)**
- Existing water rights should be recognized and protected. **(CSAC County Platform – Section 6 – Water Resource Management)**
- CSAC recognizes the need for the development of new and expanded water resources to meet the growing needs of the state. In building any new water projects, the state must take into account and mitigate any negative socio-economic impacts on the affected counties. **(CSAC County Platform – Section 6 – Water Resource Management)**
- Counties support the continued study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and other water conservation measures. **(CSAC County Platform – Section 6 – Water Resource Management)**
- Counties support the incorporation of appropriate recreational facilities into all water conservation and development projects to the extent feasible. **(CSAC County Platform – Section 6 – Water Resource Management)**

- Counties recognize the need for local programs that promote water conservation and water storage. Water conservation may include reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, or economic incentives to invest in equipment that promotes efficiency. **(CSAC County Platform – Section 6 – Water Resource Management)**
- It is CSAC's position that ground water management is necessary in California and that the authority for ground water management resides at the county level. **(CSAC County Platform – Section 6 – Water Resource Management)**
- Ground water management boundaries should recognize natural basins and responsibilities for administration should be vested in organizations of locally elected officials. Private property rights shall be addressed in any ground water management decisions. **(CSAC County Platform – Section 6 – Water Resource Management)**
- CSAC will support the incorporation of projections of climate change into state water planning and flood control efforts. **(CSAC Climate Change Policy and Principles)**
- CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins. **(CSAC Climate Change Policy and Principles)**
- CSAC will support a constitutional amendment to exempt fees and charges for storm water and flood control fees and assessments from Proposition 218. **(CSAC 2008 Legislative Priorities)**



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## Update on Activities

September 2008

### Local Government 101

- In progress is a new publication entitled *Basics of Local Government Decision-making*. We would welcome volunteers to review the (approximately 20 page) draft and offer suggestions. The Institute is pleased to be participating on the advisory committee for the new CSAC Institute for Excellence in County Government.

### California Climate Action Network (CCAN)

- The California Air Resources Board highlighted the California Climate Action Network's Best Practices Framework as a standard for local agencies in its *Climate Change Draft Scoping Plan* for implementation of AB 32, the California Global Warming Solutions Act of 2006.
- The latest version of the California Climate Action Network's Best Practices Framework - a guide to climate action in ten climate leadership opportunity areas - can be viewed at [www.ca-ilg.org/bestpractices](http://www.ca-ilg.org/bestpractices). Best practices may be used by local agencies to develop specific programs to reduce greenhouse gas emissions or may be incorporated into broader planning efforts. The Best Practices Framework has been very well-received by local officials and state agency and administration representatives. Institute staff have worked closely with county officials and CSAC staff in developing the Best Practices Framework and in finalizing the last details of the planned recognition program.

### Land Use and Healthy Communities

- Thanks to funding from The California Endowment, the Institute will be able to add health and the built environment to its portfolio of land use issues for at least the next two years.
- From September 29th to October 6th the Institute will host a web dialogue on neighborhood access to healthy foods ([www.ca-ilg.org/healthycommunities](http://www.ca-ilg.org/healthycommunities)).

### Collaborative Governance Initiative

- The Kettering Foundation and the Silicon Valley Community Foundation have each made \$20,000 grants to support civic engagement efforts. The Kettering grant will allow us to document case stories of innovative public involvement. The SVCF grant provides resources for neighborhood-based efforts that address emergency preparedness, a guide to working with the faith community to



enhance civic participation, and an assessment of civic engagement practices in a Peninsula city or county.

- Staff assisted Santa Clara County with an immigrant dialogue meeting and participated in a regional meeting of youth commissioners. CGI continues to sign up cities and counties for website translation services and meeting translation equipment.

## **Ethics Program**

- Demand for Institute AB 1234 training continues to be brisk among local agencies and associations of local agencies (sessions provided for Riverside Transit Agency, ABAG, Orange County Retirement System, Senator Polanco's California Latino Legislative Caucus; upcoming sessions include County of Siskiyou, California Joint Powers Insurance Agencies, and the CSAC Annual Conference). Information about upcoming sessions is available at [www.ca-ilg.org/ab1234compliance](http://www.ca-ilg.org/ab1234compliance).

## **Intergovernmental Dispute Resolution**

- The project's first pamphlet, an overview of alternative dispute resolution approaches for local officials, is in draft form and undergoing peer review. A second pamphlet on legal issues to be alert to is in progress. The working titles are *Resolving Disputes between Public Agencies: What's in the Toolbox?* and *Legal Issues Associated with Public Agency Alternative Dispute Resolution*. The project is supported by a grant from the JAMS Foundation.

## **Communities for Healthy Kids**

- Communities for Healthy Kids (CHK) has projects underway in La Mesa, Riverside, Santa Barbara, Huntington Park, Indio, Santa Clarita, South Lake Tahoe, and Salinas, with several more expected. Several involve collaboration with counties or the county Children's Health Initiative. Santa Barbara and La Mesa held successful enrollment events. CHK communities are experimenting with different methods of outreach and enrollment and developing best practices and lessons learned. For more information, visit [www.ca-ilg.org/chk](http://www.ca-ilg.org/chk).

### **INSTITUTE MISSION**

*The Institute promotes well-informed, ethical, inclusive, effective and responsive local government in California through innovative (state of the art) resources, tools and programs.*

# CSAC PAC Task Force

<b>Name</b>	<b>County</b>	<b>Address</b>	<b>Phone number</b>	<b>Email</b>
<b>Gary Wyatt, Chair</b>	Imperial	940 W Main St., Ste. 209 El Centro, CA 92243	(760) 482-4613	garywyatt@co.imperial.ca.us
<b>Judy Case</b>	Fresno	2281 Tulare St., Rm. 300 Fresno, CA 93721	(559) 488-3664	dbeigi@co.fresno.ca.us
<b>Michael Delbar</b>	Mendocino	501 Low Gap Road, Rm. 1090 Ukiah, CA 95482	(707) 463-4221	delbarm@co.mendocino.ca.us
<b>Kathy Long</b>	Ventura	800 S. Victoria Ave. Ventura, CA 93009	(805) 654-2276	kathy.long@ventura.org
<b>Mike McGowan</b>	Yolo	625 Court Street, Room 204 Woodland, CA 95695	(916) 375-6441	mike.mcgowan@yolocounty.org
<b>Ted Novelli</b>	Amador	810 Court Street Jackson, CA 95642	(209) 223-6470	tnovelli@co.amador.ca.us
<b>John Tavaglione</b>	Riverside	P.O. Box 1646 Riverside, CA 92502	(951) 955-1020	jtavagli@rcbos.org

**Staff**

<b>Jean Hurst</b>	CSAC	1100 K Street, Ste. 101 Sacramento, CA 95814	(916) 327-7500 ext. 515	jhurst@counties.org
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## **CSAC PAC Task Force**

**Monday, July 28, 2008 · 1:30 – 3:30 p.m.**

**CSAC Third Floor Conference Room**

**Call in number: 800.867.2581**

**Access code: 7500508**

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### **Supervisor Gary Wyatt, CSAC First Vice President, Chair**

- 1:30 p.m.     I.     **Welcome and Introductions**  
*Supervisor Gary Wyatt, CSAC First Vice President*
- 1:35 – 1:45   II.     **Purpose of Task Force**  
*Paul McIntosh, CSAC Executive Director*
- 1:45 – 2:15   III.     **The Basics of Setting Up a Political Action Committee (PAC)**  
*Steve Lucas, Nielsen, Merksamer, Parinello, Mueller, and Naylor, LLP*
- 2:15 – 3:00   IV.     **CSAC's Involvement in Issue Campaigns (Discussion)**  
*All*
- 3:15 – 3:30   V.     **Next Steps**  
*Paul McIntosh, CSAC Executive Director*
- 3:30 p.m.     VI.     **Closing Comments and Adjournment**  
*Supervisor Gary Wyatt, CSAC First Vice President*



January 15, 2008

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

To: CSAC Executive Committee

From: Paul McIntosh, Executive Director  
Jean Kinney Hurst, Legislative Representative

Re: Funding Issue Campaigns Update – INFORMATIONAL ITEM

**Recommendation.** This item is informational only. At the CSAC Executive Committee retreat in September 2007, staff was directed to provide information on the formation of a political action committee (PAC) for purposes of funding participation in issue campaigns. This memo is the second information item presented to the Executive Committee and is intended to further discussions about how to finance CSAC's future participation in issue campaigns.

**Background.** In September, CSAC staff provided the Executive Committee with considerable information about options for funding an issues campaign. These options included formation of a political action committee (PAC). Recall that forming a PAC is relatively simple. A bank account must be set up under our existing 501(c)(4) organization, and a campaign committee established with the Secretary of State. The campaign committee must have a name, sponsoring organization, address, treasurer and purpose. For an issues committee (a committee that supports or opposes ballot measures, as opposed to contributing to individuals), funds raised may be used at the discretion of the sponsor.

*Administration of a PAC.* While the formation of a PAC is relatively straightforward and simple, the administration of a PAC is more complicated. Decisions must be made as to the appropriate options for complying with mandatory reporting requirements and fundraising. For reporting requirements, staff recommends hiring an outside treasurer or law firm to serve as treasurer to comply with required ongoing reporting to the Secretary of State. While not required by law, staff recommends developing an internal policy as to expenditure of funds, such as a steering committee or designation of authority to expend funds.

*Fundraising for a PAC.* In terms of fundraising, staff is advised that, to be credible, CSAC should have at least \$200,000 available to spend in any given election cycle to "buy a seat at the table" on any given issue. Establishing procedures and practices for fundraising on an ongoing basis is an integral part of having a meaningful, well-functioning PAC. Staff recommends that fundraising be administered by an outside consultant. Typically, such a consultant would be paid from funds raised on a commission basis.

We also strongly suggest development of a fundraising plan that includes active participation by county supervisors. CSAC staff is precluded by law from devoting significant staff time to fundraising and direct fundraising efforts by supervisors are critical for success. Staff suggests establishment of a fundraising committee that assists

the consultant in identifying donors, coordinating local fundraising events, and ensuring appropriate funding of the PAC prior to an election cycle.

To recap, if the Executive Committee determines that formation of a PAC is appropriate, staff recommends the following actions:

- Name a steering committee/fundraising committee to assist staff in development of internal policies for expenditure and fundraising.
- Direct staff to establish campaign committee, bank account, and designate a treasurer.
- Seek expertise from outside consultant on fundraising.

**Policy Considerations.** The Executive Committee should consider a number of issues prior to embarking on formation of a PAC.

*Knocking on the door.* We advise that having a PAC with publicly available financing will result in initiative backers and opponents coming to us and requesting our financial involvement in campaigns that CSAC may not have become involved with under similar circumstances. Publicly available financing data will certainly direct special interests our way during each campaign season.

*Changing focus?* Establishment of a PAC could impact CSAC's reputation as a non-partisan advocacy association that provides credible policy knowledge on any given legislative debate. By involving ourselves in campaigns, which by their very nature are partisan or non-consensus measures, at the very least a perception could be that CSAC moves away from a pure policy-driven advocacy organization.

*Ballot-box policy making.* Alternatively, staff recognizes the recent trend toward resolving critical policy issues at the ballot-box. Since 2000, special interests that are unable to achieve their policy goals in the Legislature have increasingly moved to the ballot box to resolve their concerns. The right combination of financing and public opinion, plus voter turnout, can result in nearly any policy debate headed to the voters for consideration. California's initiative process has become a chosen battleground for public policy debate, and as such, we acknowledge that during any election, counties could be faced with measures that have dramatic impacts on counties' authority, function, and fiscal health. Further, participation in such campaigns requires significant expenditure of resources, as campaigns become more and more expensive over time.

*Eyes are already on us.* The Executive Committee should also consider increased scrutiny of CSAC's use of non-public funds. As you are likely aware, our past participation in initiative measures has focused some interest on CSAC's use of non-public funds. The latest salvo was the initiative (attached) filed with the Attorney General's office by the Howard Jarvis Taxpayers Association that would prohibit associations that receive publicly-funded dues from participating in state and local elections. While we do not believe that the sponsors intend to gather signatures to qualify this measure, it certainly focused at least some press attention and the attention of some Capitol-watchers on the issue. In addition, CSAC, through our finance team at CSCDA, has been fielding public record act requests from the Treasurer's Office and the Senate Local Government Committee regarding the use of public and non-public funds.

*What others are doing.* For your information, the League of California Cities has operated a PAC since 2003. Primarily established to assist in the development and

passage of Proposition 65/1A, CITIPAC was developed after recognition by the League's leadership that California state politics was moving from the Capitol to the ballot box. The formation of CITIPAC coincided with the development of an extensive grassroots advocacy program that places sixteen (16) League "Regional Representatives" throughout the state to develop relationships at the local level and establish more timely and effective communication between city officials and Sacramento. This program was funded by a significant dues increase at the recommendation of a focus group of city managers.

CITIPAC is primarily funded via small monthly contributions (voluntary payroll deductions) by city managers, council members, League staff, and other city officials. According to contribution reports, there are also some larger contributions by corporate entities, like Waste Management, PG&E, AT&T, among others. The League sets statewide and regional fundraising goals for members; the regional representatives work with city officials to develop fundraising events, etc. According to the latest reports on file with the Secretary of State's office, CITIPAC received contributions in excess of \$390,000 for the six-month period of January-June 2007.

(Recall also that CSAC has established a PAC previously. During the campaign for Propositions 65/1A, CSAC established "California Counties United" to funnel county contributions to the campaign to support what eventually became Proposition 1A. After the success of Proposition 1A, that PAC was dissolved.)

**Action Requested.** There is no action requested at this time. The Executive Committee may wish to direct staff to work further on this issue with more specific direction.

*Other options to consider.* If the Executive Committee determines that they do not wish to move forward on PAC formation, staff suggests additional discussion on the appropriate means for financing CSAC's future participation in issue campaigns. We have previously discussed with you two alternatives: reserving funds in a separate CSAC account and continuing the pay-as-you-go policy.

Reserving funds in a separate CSAC account would involve specifying revenue to set aside within the CSAC budget for purposes of an eventual initiative campaign. A process for accessing such funds would be outlined and final approval for expenditure authorized by the Executive Committee and/or Board of Directors.

This is certainly a less-visible option for funding eventual campaign expenditures and would not require additional staff time or resources. We caution, though, that such an approach could result in a need to increase dues to offset the loss of non-public funds diverted to the reserve.

If the Executive Committee prefers continuing the pay-as-you-go policy, staff cautions that these resources are typically dedicated to other activities in the CSAC budget. The Executive Committee and Board of Directors can redirect funds based on perceived need. Of course, this option requires CSAC leadership to weigh the value of participating in a campaign against other priority items for funding in the budget.



# Legislative Bulletin

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*A Publication of the County Executive Office/Legislative Affairs*

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June 17, 2008  
Item No. 68  
Vol. XIV, No. 16

## County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on June 3, 2003, staff recommendations for formal County positions on legislation will be agendaized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2008 Legislative Platform was adopted by Board of Supervisors' Minute Order dated December 4, 2007. On June 17, 2008, the Board of Supervisors approved the following actions:

### RECOMMENDED ACTIONS

1. OPPOSE - California State Association of Counties' (CSAC) Use of Funds in Support of Statewide Initiatives
2. Authorize Chairman Moorlach to send a letter to the President of the United States thanking him for his veto of the Farm Bill
3. Receive and File Legislative Bulletin

## SACRAMENTO LEGISLATIVE REPORT

### SACRAMENTO UPDATE

This year the Assembly finished its Budget Subcommittee deliberations about a week earlier than the Senate, which adjourned June 5<sup>th</sup>. The Assembly Budget combines the recommendations of all five Subcommittees into a single report, which contains \$104.4 billion in resources and \$102.2 billion in General Fund spending. The Assembly Budget includes about \$6.4 billion in new revenues, restores half of the \$4.3 billion in education cuts that the Governor proposed in January, as well as some of the cuts to services to the elderly, disabled, and children. It also fully funds Proposition 42, eliminates most of the Medi-Cal rate reductions adopted in February and includes the Governor's summary

parole proposal and funds the COPS/Juvenile Justice grants program but does not restore other local safety subvention reductions.

A key point not to be overlooked is that the Assembly rejects the Governor's reform proposal (Budget Stabilization Act) and his accrual accounting. It does contain a lottery securitization proposal, but uses the proceeds to pay off debt. Specifically, funds from the lottery securitization will be placed in a new "Debt Retirement Fund," to pay down the debt which includes economic recovery bonds, transportation loans, education loans, local government mandates, and general obligation debt.

(in millions)	2008-09	2009-10	2010-11	2011-12	Total
<b>Securitization Proceeds to Debt Retirement Fund (DRF)</b>	<b>\$5,122</b>	<b>\$6,900</b>	<b>\$2,978</b>	<b>\$0</b>	<b>\$15,000</b>
<b>DRF Uses</b>					
Accelerated Ed Settle-up payments	550	550			1,100
Accelerated Trans. Debt Payments	750	750			1,500
Accelerated Mandate Payments	550	550			1,100
Reimburse GF for QEIA Settlement	450	450	450	450	1,800
Reimburse GF for ERB payments	1,461	1,509	1,580	1,643	6,193
Reimburse GF for GO Debt Service	1,350	1,957			3,307
<b>Total</b>	<b>\$5,111</b>	<b>\$5,766</b>	<b>\$2,030</b>	<b>\$2,093</b>	<b>\$15,000</b>

With both the Senate and Assembly concluding their respective budget processes, the two-house Conference Committee will begin its deliberations June 12 to reconcile the differences between their respective versions of the budget next week. The Assembly conferees are Assembly Members Laird, Leno, and Niello. In the Senate, the conferees are Senators Ducheny, Machado, and Dutton.

The Conference Committee will have an extremely long list of items to discuss. The scorecard for determining what issues are in conference is quite complicated. For example, if the Senate and Assembly took similar actions — such as rejecting the 10 percent cut to Adult Protective Services — then the item does not go on the Conference Agenda. However, there are instances that are not as cut and dry. As a reminder, June 15 is the deadline for the Legislature to send a revised Budget to the Governor.

In addition to budget work, both houses will meet to review bills from the second house. The Legislature has until June 27 to hear all bills in policy committee.



## ACTION ITEMS

### **OPPOSE - California State Association of Counties' (CSAC) Use of Funds in Support of Statewide Initiatives**

On April 15, 2008, the Orange County Board of Supervisors sent a letter to CSAC opposing CSAC's use of its private funds for the purpose of advocacy on statewide initiatives. CSAC collects advertisement sales for space in *Counties* magazine, fees from third parties to host exhibits at the annual conference, and rent on CSAC owned surplus properties. Funds from California Statewide Community Development Authority also known as California Communities, a property of CSAC, California League of Cities and HB Capital Resources, are also used for this same purpose. Not one of these funding sources would have been generated without the public funds that created and continue to subsidize CSAC activities.

CSAC exists because of the California counties it represents and derives its gravitas from that connection. CSAC's image and resources are drawn directly from its service to the counties providing those public dues to power the industries that generate the private income. CSAC then uses this private income, not fully to reduce the public dues, but to fund advocacy related to public propositions. In effect, public dues have funded an industry that then funds advocacy on public propositions. If this is not a violation of the California Constitution, it is a violation of the spirit of the California Constitution.

#### *CEO Legislative Comments*

CSAC does not have a clear-cut policy in this area. CSAC has created a "Political Action Committee (PAC)" Task Force, with Imperial County Supervisor Gary Wyatt as the Chair, to develop organizational guidelines that may avert such future misunderstandings. The first meeting of the CSAC PAC Task Force will be on Monday, July 28, 2008, from 1:30pm to 3:30pm at the CSAC Office, 1100 K Street, Sacramento. Supervisor Patricia Bates is the County representative.

Supervisor Norby and CEO Legislative Affairs recommend that the County express concern regarding the continued use of CSAC income from enterprises for advocacy on public propositions, and that the County respectfully requests:

- A full accounting of all enterprise revenue received by CSAC from all sources in 2007;
- A full accounting on how these 2007 enterprise revenues were expended;
- Review of CSAC policies governing how positions are adopted on statewide initiatives; and,
- Adoption of a change to the CSAC rules/bylaws to the effect that all enterprise revenues be used to reduce member dues and not for advocacy on statewide initiatives.

## WASHINGTON LEGISLATIVE REPORT

### WASHINGTON UPDATE

The budget resolution setting spending caps for the Appropriations Committees (S. Con. Res. 70) is going to conference calling for \$24.5 billion more in spending than was requested by the Administration.



**PATRICIA C. BATES**

VICE CHAIR, ORANGE COUNTY BOARD OF SUPERVISORS  
SUPERVISOR, FIFTH DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION  
333 W. SANTA ANA BLVD.  
10 CIVIC CENTER, SANTA ANA, CALIFORNIA 92701  
PHONE (714) 834-3550 FAX (714) 834-2670  
<http://bos.ocgov.com/flfth/>

August 6, 2008

The Honorable Richard Gordon, President  
California State Association of Counties  
1100 K Street, Suite 101  
Sacramento, CA 95814

Dear Supervisor Gordon:

I thank you for appointing a task force to study the formation of political action committees to address the need for the California State Association of Counties (CSAC) to remain active in advocacy for or against ballot initiatives. I would like to take this opportunity to commend the task force and to suggest a further amendment that will serve to improve CSAC and increase the cohesiveness that has been a significant source of our strength.

This task force arose out of concerns for the use of CSAC enterprise profits to advocate regarding Propositions 98 and 99 in the June 2008 primary election. The task force recognizes the seriously divisive nature of this approach and has recommended the use of issue-specific Political Action Committees (PAC's) for the purpose of keeping CSAC involved in issue advocacy for ballot initiatives. These issue-specific PAC's would use only money freely raised from supporters and no CSAC enterprise profits would be used for ballot initiative advocacy. After consultation with my colleagues on the Board of Supervisors, we see these task force conclusions as a step in the right direction and appreciate the willingness of the task force to seriously deal with this matter.

However, the Board continues to have concern and to that end, I would suggest one further recommendation for the consideration of the Executive Committee and the full Board of Directors. This recommendation would implement a two-thirds vote of the CSAC Board of Directors as a requirement for the formation of an issue-specific PAC by CSAC. This provision would assure that the influence and the prestige of CSAC would be used only on issues of broad importance to a super majority of the membership. This provision would also be key in retaining the cohesiveness that is important to the ongoing effectiveness of CSAC.

I look forward to participating in the Executive Committee and Board of Directors consideration of this issue. I thank you for your consideration of this request and I thank you for your service to CSAC.

Sincerely,

  
PATRICIA C. BATES  
Vice Chair, Fifth District  
Board of Supervisors

cc: Members, Orange County Board of Supervisors  
Thomas G. Mauk, County Executive Officer  
The Honorable Gary Wyatt, CSAC First Vice President  
Paul McIntosh, Executive Director of CSAC

## Executive Directors Watch: **CSAC Institute**

Governing in these complex, fast-changing times is difficult at best; but it's harder when one doesn't have access to knowledge base and best practices in county governance and leadership. *CSAC is changing that in California.* Plans are underway for the launch early next year of the **CSAC Institute for Excellence in County Government**. This continuing education program is being designed to meet the specific needs of county supervisors, county administrators/executives and other senior executives.

CSAC Institute will offer an array of courses that address county governance, current hot topics, leadership practices, and organizational management. Whether your interests are in better understanding county funding, budgets and financial management, county government structure and responsibilities, leadership and interpersonal relationship strategies, transportation and land use planning, organization effectiveness or a myriad of other critical topics and practices ... there will likely be a course of interest to you. The Institute will offer two credentials: California Credentialed County Supervisor and California Credentialed County Manager. The credentials are earned through participation in designated core courses and electives during a two year period. Of course participants may also take courses individually that interest them.

The Institute's Governing Council met in an intensive day-long workshop in early July to begin designing the structure and content of the program and courses. Pieces are starting to fall into place! Members discussed specific continuing education needs of county supervisors and executives, examined similar programs offered in other states, and developed the initial structure of the program. CSAC Institute is designed to take advantage of and build on the vast knowledge, skills and experience of the participants. Every course will be practical and have immediate take-home value. They will highlight learn-by-doing approaches and take advantage of that enormous expertise of the participants. Institute faculty will be experts in county governance and will focus on the needs of California counties.

The Institute's Governing Council includes a diversity of county leaders. Chaired by Contra Costa Supervisor John Gioia, other members include Supervisors Paul Biane (San Bernardino), Diane Dillon (Napa), Michael Dunbar (Mendocino) and Terry Woodrow (Alpine). They are joined by county administrators David Edge (San Luis Obispo) and Richard Robinson (Stanislaus). Other members include JoAnne Speers (Institute for Local Government), Brent Wallace (County Administrative Officers Association of California), Frank Benest (Palo Alto City Manager and at-large member), Nancy Nittler (Placer and County HR Association), David Liebler and me. The program is managed by former county executive officer Bill Chiat.

*Get involved!* Contact any of the Institute's committee with suggestions for courses or topics you'd like to see included. Comments can also be e-mailed to [casacinstitute@counties.org](mailto:casacinstitute@counties.org). We are now seeking current and retired county supervisors and CAO/CEOs who are interested in serving on the faculty. If you or someone you know is interested, please contact the Institute at the e-mail above or call CSAC at 916/327-7500 x510.

Watch for more details in the coming months and at the CSAC Annual Conference in December.



CALIFORNIA STATE ASSOCIATION OF COUNTIES  
FINANCE CORPORATION

September 11, 2008

To: CSAC Board of Directors

From: Tom Sweet, Executive Director, CSAC Finance Corporation

**Re: Finance Corporation Program Update  
INFORMATION ITEM**

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The following is a brief summary of some of the programs and services offered through the CSAC Finance Corporation:

**CalTrust**

- Current assets are \$628 million. Our newest member in the pool is: Consolidated Central Valley Table Grape Pest and Disease Control District

**Deferred Compensation**

- The CA Deferred Compensation Advisory Committee met in Sacramento on August 20<sup>th</sup>. One particular item touched upon a program to address retiree health care being spear-headed by Riverside County.

**California Communities**

- The next issue of *California Counties* magazine will feature an article regarding the CaLease program and an ad for the TRIP program.

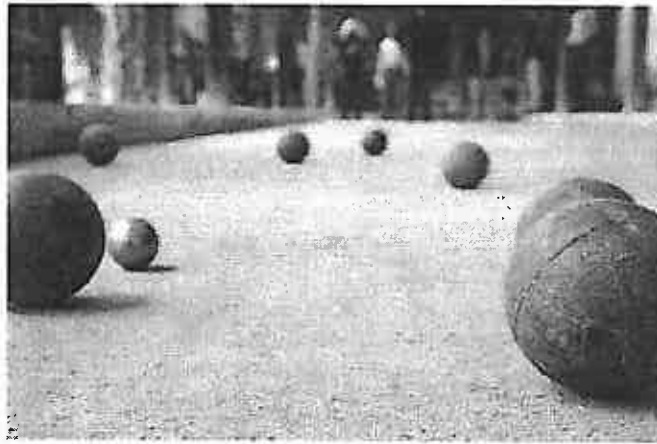
**US Communities**

- U.S. Communities 2<sup>nd</sup> quarter sales #s have been released. California County sales were up approximately 21% from last quarter but down approximately 12% from 2<sup>nd</sup> quarter 2007.

**General Information**

- Appointments of Santa Barbara Supervisor Joni Gray and Larry Spikes, Kings County have been announced
- CSAC recently completed a survey from Supervisors and CAOs regarding various services and programs. The Finance Corporation staff has refined the survey and sent other departments within counties a more comprehensive survey.

# SAVE THE DATE!



## The 6<sup>th</sup> Annual Corporate Associates and CSAC Board of Directors Bocce Ball Tournament

Wednesday, September 10, 2008

5:00 p.m. – 9:00 p.m.

CSAC Conference Center

1020 11th Street, Second Floor

Sacramento, CA 95814

(Located between Pyramid Alehouse & Smith Gallery)

Corporate Associates members and County Officials will be teamed up once again for a fun evening of Bocce Ball and authentic Italian fare!

Please RSVP by September 3<sup>rd</sup> to Lindsay Hall, at [lhall@counties.org](mailto:lhall@counties.org) or (916) 650-8107.

*The CSAC Board of Directors will meet the following day, September 11<sup>th</sup>, at 10:00 a.m.*





## Memorandum

August 26, 2008

To: CSAC Board of Directors

From: Paul McIntosh, CSAC Executive Director  
Lindsay Hall, CSAC Corporate Relations Manager

Re: **Corporate Associates Program Updates**  
**INFORMATION ITEM**

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Following please find updates on the CSAC Corporate Associates program activities so far this year:

- The latest membership reports show there are 82 corporate members.
- Membership and sponsorship solicitation continues for 2008, with efforts geared towards the CSAC Annual Meeting in San Diego.
- A new, comprehensive marketing plan for the Corporate Associates program has been completed.
- CSAC 114<sup>th</sup> Annual Meeting
  - a) Plans are in place for a major session presentation dealing with energy issues in California, with three of our key corporate members participating in the panel discussion. We will have speakers from Pacific Gas & Electric, Southern California Edison and Sempra Energy, and the panel will be moderated by NACo President Don Stapley.
  - b) Plans are also in place for a co-sponsored Corporate Associates/CAOAC workshop session on "best practices" for counties and businesses working together.
  - c) The exhibit hall is approximately 75 percent committed for this year.
  - d) The Annual County/Corporate Golf Tournament is slated for Thursday, December 4, at Riverwalk Golf Club in San Diego.

If you have any questions about the Corporate Associates program, please feel free to contact Lindsay Hall, at (916) 327-7500 ext. 528, or [lhall@counties.org](mailto:lhall@counties.org).

## 2008 CSAC CALENDAR OF EVENTS

### *January*

- 23-25 CSAC Corporate Associates Meeting, La Jolla, San Diego County
- 31 CSAC Executive Committee Meeting, Sacramento, Sacramento County

### *March*

- 1-5 NACo Legislative Conference, Washington D.C.
- 5-7 2008 Public Works Officers Institute & CEAC Spring Conference, Hilton Torrey Pines in La Jolla, San Diego County
- 20 CSAC Board of Directors Meeting, Sacramento, Sacramento County

### *April*

- 10 CSAC Executive Committee Meeting, Santa Monica, Los Angeles County
- 16 CalTRUST Annual Meeting, Carmel, Monterey County
- 17-18 CSAC Finance Corp. Annual Meeting, Carmel, Monterey County
- 17-18 San Joaquin Valley Regional Association Conference, Bass Lake, Madera County

### *May*

- 21-22 CSAC Legislative Conference, Sacramento, Sacramento County
- 22 CSAC Board of Directors Meeting, Sacramento, Sacramento County
- 21-23 NACo Western Interstate Region (WIR) Conference, St. George Utah

### *June*

- 12-13 CCS Partnership Summit and Joint Board Meeting, Burlingame, San Mateo County

### *July*

- 11-15 NACo Annual Conference, Kansas City, MO

### *August*

- 7 CSAC Executive Committee Meeting, Sacramento, Sacramento County

### *September*

- 11 CSAC Board of Directors Meeting, Sacramento, Sacramento County
- 17 CalTRUST Fall Meeting, La Jolla, San Diego County
- 18-19 CSAC Finance Corp. Fall Meeting, La Jolla, San Diego County
- 24-26 RCRC Annual Meeting, El Dorado County

### *October*

- 8-10 CSAC Executive Committee Retreat, San Mateo County
- 15-17 CAOAC Annual Meeting, Morro Bay, San Luis Obispo County
- 22-24 San Joaquin Valley Regional Association Conference, *Location TBD*

### *December*

- 1-4 CSAC 114th Annual Meeting, San Diego County

- 3 CSAC Board of Directors Meeting, San Diego, San Diego County
- 4-5 New Supervisors Institute, Session I, San Diego, San Diego County