

**ADMINISTRATIVE SERVICES POLICY COMMITTEE
HIGHLIGHTS**

Thursday, April 7, 2016
Handlery Hotel, San Diego

ATTENDANCE

Members: Clarke, Jim (Chair); Warren, Acquanetta (V. Chair); Abelson, Janet; Abrahamson, Dawn; Allen, Mike; Arbuckle, Jan; Birsan, Edi; Brower, Mark; Ching, Eric; Cousino, JoAnne; Cox, Elisa; Foley, Tim; Gomez, Jennifer; Graves, Thomas; Grose, Dean; Harris, George; Hernandez, Christian; Johl, Randi; Johnson, Bob; LaBar, Dawn; Leonard, John; Martinez, Dianne; McLaren, Warren; McLean, Marsha; Mizuno, Stephanie; Ogorchock, Lori; Patterson, Pam; Purtee, Jim; Radeva, Monika; Sambito, Mark; Schillinger, Stuart; Schmidt, Ernest; Schultz, Rob; Schwarz, Dan

League Partners: de Llamas, Lloyd; McDonald, Maureen

Staff: Dane Hutchings

I. State Budget and Issues Briefing

The April 2016 Policy Committee meetings began with a general session briefing. League Executive Director Chris McKenzie began with a “1,000 foot level” review. He confirmed that the League’s first priority is transportation funding, and shared that there are some glimmers of hope in the legislature. The League also continues to work on the development of a health insurance exchange. A contract has been signed for coverage of current employees, and work is now being done on a contract for retired employees. The League will be distributing more information soon. Mr. McKenzie shared the good news that the court of appeal ruled in cities favor in the court case on AB 1484 regarding redevelopment. Unfortunately the same cannot be said for the legislation regarding SB 7 (prevailing wages), as the court of appeal upheld the legislation. The lead cities are weighing their options for appeal. Finally, Mr. McKenzie shared that the polling results for the draft stormwater initiative was not encouraging, so the initiative has been shelved for now. The League continues to weigh other options to address the problem.

Dan Carrigg, League Legislative Director, provided a short update on the state budget. The budget continues to be relatively stable, and does not hold bad news for cities. Revenues for the current year are coming in at good levels, and the state is working to build their reserve fund (now at \$4.5 billion, the Governor wants to bring it to \$8 billion). There is some disagreement on how much to build it this year, as the legislative democrats want to use part of the surplus on other programs.

Kendra Harris, League Legislative Representative, briefed members on the large volume of housing bills, sharing that many would remove local land use authority. The League is pleased to already support several affordable housing bills, and expects that the Assembly Democrats will be releasing an affordable housing proposal in the coming weeks. In addition, Ms. Harris reported that legislation to extend the sunset date for the California Massage Therapy Council is pending, and that League-sponsored AB 2403 (Bloom) regarding group homes is moving along nicely.

Rony Berdugo, League Legislative Representative, shared with members that there continues to be three major transportation funding proposals: one from the Governor; AB 1591 by Assembly Member Frazier; and SBx1 1 by Senator Beall. Senator Beall is currently negotiating with Republicans to reach a bipartisan deal, and his bill seems to have the most momentum. In addition to funding, there is a group of troublesome public contracting bills that cities need to

weigh in on: SB 885 (Wolk); SB 1170 (Wieckowski); AB 1669 (Hernández); and AB 1505 (Hernández). Cities should also oppose AB 2586 (Gatto), the Parking Bill of Rights.

Jason Rhine, League Legislative Representative, informed attendees that the legislature continues to develop a plan to allocate cap and trade revenues. Cities can get up to date information on the League's webpage. Between the Governor's proposal and the 48 bills introduced that include ideas on how to spend the funds, there is a lot to track. Regarding the drought, Mr. Rhine reported that with the better snow pack, the Water Board may decide to loosen water restriction at their meeting on April 20. Mr. Rhine pointed out a few bills that cities need to be following: SB 1233 (McGuire) creates a PACE-like program for water efficiency; AB 2040 (Melendez) provides a tax credit for removing lawn in favor of drought resistant landscaping; and AB 2693 (Dababneh) would eliminate PACE financing.

Tim Cromartie, League Legislative Representative, discussed the themes he is seeing in the area of public safety. In particular, the legislature has introduced a number of bills on human trafficking. In addition, Mr. Cromartie discussed SB 1286 (Leno), which would require more disclosure on police discipline. In the area of drones, there is a battle over local control, and cities should oppose preemption provisions in both state and federal legislation. The League opposes AB 2320 (Calderon), which preempts local authority. A better option is SB 868 (Jackson). The League also supports AB 2724 (Gatto) regarding liability insurance requirements. There are also several bills regarding medical marijuana: AB 1575 (Bonta) is a clean up to the bill last year; SB 987 (McGuire) imposes a 15% point of sale tax; and AB 2740 (Low) creates a standard for marijuana use while driving.

Dane Hutchings, League Legislative Representative, reported that the legislature passed a new minimum wage hike with very little notice. Significant bills in employee relations include SB 897 (Roth) which would extend 4850 time for local public safety officers by one year. In administrative services, the hot issue is the California Voting Right Act. Mr. Hutchings reported there are several bills pending in that area of law and the League is trying to deal with them proactively. There are also several bills relating to local campaign financing requirements.

Dan Carrigg, League Legislative Director, wrapped up the briefing by reminding attendees of the League's Legislative Action Day on April 27.

II. Welcome and Introductions

The Chair welcomed everyone and made opening remarks. The Chair brought to the committee's attention that we needed to formally adopt the supplemental agenda before we could proceed. The supplemental agenda included Assembly Bill (AB) 2628 (Levine) which was added as an action item. The Chair also announced that staff would be presenting legislative items by subject matter, not file order given that the debate and discussion would be germane.

A motion to adopt the supplemental agenda was made seconded and the motion carried unanimously.

III. Public Comment

The Chair recognized that there was one member from the public who was in attendance to speak on a measure.

Rey Lopez-Calderon, Common Cause Director of Organizational Development, speaking in support of AB 2523 Mullin.

IV. Legislative Update

- AB 2523 (Mullin) Local Government: Contribution Limitations

The committee discussed this measure at length. The committee considered the issues of an unfunded state mandate, local enforcement, local control, and overall need of the bill. More specifically the committee felt that individual contribution limits would only lead to more increased donations through political action accounts which have lower transparency requirements than current law for individual donations.

Staff informed the committee that the author and sponsors of the measure were open to the following amendments to the bill:

- Establish a baseline of \$4,200 for individual contributions, therefore if a local entity chooses not to regulate they would be subject to that “back stop” contribution limit.
- Still allow local governments to enact ordinances that will allow them to regulate at a lower or higher level—even after the state measure is enacted.
- Grandfather of existing campaign finance ordinances.
- Provide a one year delayed implementation for the law to take effect, allowing local’s time to pass their own ordinances.

In spite of the proposed amendments some of the members on the committee still felt that the measure was intrusive. A motion was made and seconded to oppose the measure.

At this time, the Chair allowed Rey Lopez-Calderon to provide public comment in favor of the bill. Lopez-Calderon urged the committee to take a watch position on the measure, sighting that Common Cause was continuing to try and work with the Authors office to strike a balance to create a backstop for campaign finance while remaining committed to trying to keep as much local control as possible.

After hearing from the public a substitute motion was made to adopt a watch position on the bill—allowing for the proposed amendments to be seen in print. The motion was seconded. The motion carried (18 Ayes, 14 Noes).

- AB 1957 (Quirk) Public Records Act: Body-Worn Cameras

The Committee adopted an opposed unless amended position (Ayes 27, noes 0). Generally, having a measure that requires body cam footage to be released did not sit well with the committee who would prefer to keep local flexibility to apply existing exemptions as they see fit. Moreover, their concerns dealt with compliance within the 10 day timeframe under the PRA. Even with an extra two weeks (which can be used to comply with overly broad requests) having the resources to comply with this measure would be incredibly difficult to comply with.

Additionally, there was also a fear that releasing large amounts of body camera footage could result in unintended disclosure of officer or victim identification leading to civil and/ criminal action against the City. While the committee did believe that it was the Cities responsibility to bear the cost of editing body cam footage there was a broader discussion about the storage of body camera footage which is becoming increasingly expensive to store and maintain.

- AB 2611 (Low) Public Records Act: Exemptions

The conversation was largely the same for this measure with regards to cost concerns for storage. Some members of the committee supported the blanket exemptions for law enforcement footage while others felt that blanket exemptions would lead to further public distrust. Seeing that the supporters of the measure include the Peace Officers Research

Association of California and the California Police Chiefs Association, the Committee wanted to defer to the public safety committee (given that they were meeting the following day) and therefor adopted a watch position on the bill. A motion was made, seconded and carried to adopt a watch position on the bill (Voice Vote).

- **SB 1108 (Allen) Elections: Local Resident Commissions**
The Committee largely supported this measure. The league supports civic engagement and as such the Committee believes that this measure gives constituents another avenue to become involved in the process. There was some debate on the technical language specifically if the measure allowed local jurisdictions to still retain the ability to approve the maps for redistricting or if the local jurisdiction must adopt the citizen commission's maps. Staff advised the Committee that local jurisdictions have the option to establish their citizen commissions in an advisory capacity or authoritative capacity. Once that was discussed there was a motion made, seconded and adopted to support the measure (Ayes 22, Noes 5 with 1 Abstention).
- **SB 1107 (Allen) Public Campaign Finance**
The Committee was somewhat divided on this measure. Public campaign financing has not been heavily utilized in California. The proponents for the measure site a New York model that utilizes a 6 to 1 public dollar match. The committee by-in-large did not believe that these public models work and feared that there would be public backlash if funds that could go to public safety or other critical services instead were spent on electing candidates.

After a robust debate a motion was made to support the bill but died for lack of a second.

The division in the committee did come about from a policy difference, rather there were members on the committee that felt that given the bill is totally permissive, allowing locals to choose if they want to partake in a program should be left to them. A subsequent motion was made, seconded and carried to oppose the measure (Ayes 14, Noes 10, Abstentions, 8).

- **AB 2628 (Levine) FPPC: Employment Restrictions**
This measure was quickly debated. The Committee brought up several concerns with this measure including the significant impacts this would have to local government employees. The Committee felt that this measure was very broad, ambiguous and could act as a deterrent for qualified individuals to seek public office. The Committee adopted an oppose position (Voice Vote).
- **Bills of Interest**
The "bills of interest" document was an informational handout for the committee to review. All positions were based on existing league policy. Some committee members wanted to discuss two measures from the list, AB 2220 (Cooper) and AB 278 (Hernandez). Given that both measures dealt with the California Voting Rights Act (CVRA) The Chair asked that these two items be held over for discussion until the CVRA presentation and discussion taking place later in the agenda.

V. Open Data and Local Government Transparency

Almis Udry, Department Director Performance and Analytics, City of San Diego, spoke specifically about the City of San Diego's open data program. He noted that between the years 2000-2010 the City of San Diego was under severe public scrutiny in the wake of pension scandals, budget cuts and political scandals. The public demanded more transparency. In

response, the City established the office of Performance & Analytics. The goal of the department is to have data accessible, user friendly, reusable, timely and complete. Mr. Udrys also walked the committee through exactly what is open data. Further, Mr. Udrys showed the committee examples of what a high-value dataset is and how both city staff and the public greatly benefit by compiling and sharing high-value datasets.

Public Benefits Include: A calendar of special events, reliable datasets for members of the public when participating in Council meetings, reliable data on crime statistics.

City Benefits Include: New infrastructure projects, councilmembers utilizing data to make decisions that best serve the public, internal department analytics to help improve performance.

Mr. Udrys completed his presentation by sharing his perspective on the future of open data. He covered the following:

- Open Data regulation for local agencies are coming. It is up to local governments to either to create the trends/ polices or the State will.
- Involve everyone up front—the more transparency the better
- Local agencies need to look at what data they collect, is it managed or not and what policies will make data collection and release the most efficient.
- Open data is a subset of open government, but local agencies need to devise a deliberate plan and take their time in creating thoughtful policy that balances transparency with security.

VI. CVRA Working Group Update

Corrie Manning, League Sr. Deputy Council, spoke at length with regards to the history of the California Voting Rights Act (CVRA) as well as the litigation process under current law. California Voting Rights Act of 2001 (Elec. Code, §§ 14025 et seq.)

- The California Voting Rights Act applies to both general and charter law cities. (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781)
- The Act applies to at-large electoral systems:
 - In which each member of the governing board is elected by all voters in the jurisdiction.
 - In which each member of the governing board must reside within a given area of the jurisdiction, but is elected by all voters in the jurisdiction.
 - In which an at-large component is combined with district-based elections.
- The Act prohibits any of these systems from impairing the ability of minority voters to elect their chosen candidates or influence the outcome an election.
- A minority voter alleging such an impairment may file an action in court.
- An impairment is established if “racially polarized voting” is shown. Racially polarized voting” is voting in which there is a difference in the electoral choices of a minority as compared to the rest of the electorate. It is not necessary to show that members of a minority live in a geographically compact area or prove any intent to discriminate.
- If an impairment is established, the court must fashion an appropriate remedy.Examples include:
 - Imposing district elections.
 - Enjoining certification of election results.
- The prevailing plaintiff (i.e. the minority voter) is entitled to recover “reasonable” attorney’s fees and costs. A prevailing defendant (i.e. the city) is not entitled to recover costs unless the court finds the action to be frivolous.

At this time, the committee engaged in an open discussion regarding current CVRA legislation and potential legal and legislative options that would provide cities some relief when facing multi-million dollar settlements. Mrs. Manning also briefed the committee on the League's internal CVRA working group comprised of city attorneys who are providing the League's lobby staff with legal direction and best practices.

After the presentation by Mrs. Manning, there was a motion made and seconded to adjourn the meeting. The Chair called for a voice vote and the meeting was adjourned.

VII. Next Meeting: Thursday, June 2, 2016, League Office, Sacramento