**California Association of Clerks and Election Officials**

**Clerk of the Board Legislation Status Report**

**April, 2017**

This report reflects the status of bills of interest to the Clerk of the Board as of April 28, 2017. Bills of particular interest are identified by an asterisk. All bills are as introduced, unless otherwise indicated. *Changes to the previous report are indicated in italics.*

**AB 96 (Ting) Budget Act of 2017**

Unlike the current year’s Budget Act, this 2017-18 Budget Act bill contains no money for reimbursement claims relating to California Public Records Act compliance activities. However, this bill would, once again, fund mandates for Ethics Training in the amount of $5,000 statewide. Like the current Budget Act, this bill would suspend reimbursement for unpaid claims relating to reimbursable Brown Act activities.

See also SB 72 (Mitchell).

Status: Awaiting hearing in Assembly Budget Committee

CACEO Position: Watch

**AB 241 (Dababneh ) Personal information: privacy: state and local agency breach**

This bill would amend one of the few provisions of the Information Practices Act of 1977 to which local public agencies are subject. Although few, if any, Clerks of the Board maintain personal information affected by its provisions, out of a sense of caution, we are tracking and reporting on this bill.

Existing law requires a person or business doing business in California and any state or local agency that owns or licenses computerized data that includes personal information, as defined, to disclose a breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

AB 241 would amend Civil Code Section 1798.29 to provide that, if a public agency is the source of a security breach, an offer to provide appropriate identity theft prevention and mitigation services, if any, must be provided at no cost to the affected person for not less than 12 months, along with all information necessary to take advantage of the offer, to a person whose information was or may have been breached if the breach exposed or may have exposed the person’s social security number, driver’s license number, or California identification card number.

Status: *Assembly Appropriations Committee Suspense File*

CACEO Position: Watch

**AB 448 (Daly) Local governments: parcel taxes: notice**

AB 448 appears to be a clean-up to Assemblymember Daly’s AB 2476 (Chapter 269 of 2016). Existing law added by last year’s bill requires the legislative body of a local agency to provide notice of a new parcel tax to the owner of an affected parcel if the owner does not reside within the jurisdictional boundaries of the taxing entity.

This bill would instead require the local agency, rather than the legislative body, to provide notice of the new parcel tax to any owner of record of an affected parcel who does not reside within the jurisdiction’s boundaries. The notice would be required to be made within 30 days of the certification of the election approving the new parcel tax.

Thus, the proposed law makes a little more sense than last year’s bill and would make it extremely unlikely that the Clerk of the Board would be given responsibility for issuing the notice.

Status: *Awaiting hearing in Assembly Appropriations Committee*

CACEO Position: Watch

**AB 551 (Levine) Political Reform Act of 1974: ~~employment~~ postemployment restrictions**

*Amended 4/18/17*

In counties, existing law in the Political Reform Act prohibits, for a period of one year after an official leaves office, elected officials and the chief administrative officer from representing or acting as an agent, for compensation, by appearing before or communicating with that local government agency, or any committee or present member of that agency, or any officer, employee, agency, or body of that agency, if the appearance or communication is made for the purpose of influencing administrative or legislative action or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property.

*In the preceding version of the bill, AB 551 would have eliminated an exclusion for* *appearances and communications by a board member, officer, or employee of another local government agency, or an employee or representative of a public agency in which the individual is appearing or communicating on behalf of that agency, i.e., public officials talking to other public officials on behalf of their agency.*

*The bill, as amended 4/18/17 would restore the foregoing exclusion and would provide that the prohibition applies to an individual who is, at the time of the appearance or communication, an independent contractor of a local government agency or public agency and is appearing or communicating on behalf of that agency.*

Status: *Assembly Third Reading File*

CACEO Position: Watch

**AB 652 (Flora) Property taxation: base year value: new construction**

*Amended 4/3/17*

Existing law requires the assessor to determine a new base year value for the portion of any taxable real property that has been newly constructed and that new construction in progress on the lien date be appraised at its full value on that date and each lien date thereafter, until construction is completed. When construction has been completed, the entire portion of property that is newly constructed is reappraised at its full value.

*The bill would clarify that new construction in progress may be reappraised on the lien date, but that new construction in progress shall not acquire a base year value on each lien date on which construction is still in progress. (This bill relates to Ellis v. County of Calaveras (2016) 245 Cal.App.4th 64.)*

Status: *Assembly Floor (Consent Calendar)*

CACEO Position: Watch

**AB 653 (Ridley-Thomas) Property taxation: exemption: property owned in fee by Indian tribes**

Amended 3/21/17

Beginning with the 2018-19 fiscal year, this bill would exempt from taxation property owned in fee by a federally recognized Indian tribe, if it meets the following conditions:

* The tribe has submitted an initial written request or trust application to the U.S. Department of the interior and the department has determined that the initial written request or trust application is complete.
* The tribe has submitted documents establishing that the tribe is federally recognized and documents establishing that the initial written request or trust application is under consideration by the Department of the Interior.

This bill is a tax levy and, therefore, would take effect immediately upon signature by the Governor.

Status: *Hearing in Assembly Revenue and Taxation Committee May 8*

CACEO Position: Watch

**AB 881 (Gallagher) Property taxation: new construction exclusion: methane digester**

Amended 3/27/17

AB 881 was gutted and amended to now exclude from the classification of “newly constructed” and “new construction” the construction or addition, on or after January 1, 2018, of a methane digester or methane digester electric generating system.

Status: Awaiting hearing in Assembly Revenue and Taxation Committee

CACEO Position: Watch

**AB 890 (Medina) Local land use initiatives: environmental review**

*Amended 4/18/17*

This bill would amend the Elections Code sections dealing with the county initiative process to create a different procedure for an initiative ordinance that would result in a direct or indirect physical change in the environment.

*Under the terms of the bill, if the county planning department determines that the activity proposed by the measure is subject to CEQA and no exemption to CEQA applies, the county planning department must determine whether the activity may have a significant effect on the environment. If there is no substantial evidence that the project may have a significant effect on the environment, the county must prepare a negative declaration within 180 days. If there is substantial evidence that the project may have significant effect on the environment, the county must notify the proponent, within 30 days after the proposed measure is filed with the registrar of voters that the measure cannot be adopted by the initiative process, but can receive a public hearing if a sufficient number of signatures are collected. At the public hearing, the legislative body can either approve or deny the proposal.*

Status: *Awaiting hearing in Assembly Appropriations Committee*

CACEO Position: Watch

***AB 1025 (Rubio) Incompatible public offices***

*Amended 4/20/17*

*This bill was gutted and amended into a form that is of some interest to Clerks of the Board. The bill now would repeal Government Code Section 1099 dealing with incompatible public offices.*

*Existing law prohibits a public officer, including an appointed or elected member of a governmental board, from simultaneously holding two pubic offices that are incompatible, as defined.*

*AB 1025 would repeal that code section.*

*Status: Assembly Education Committee (This bill will not move forward this year)*

*CACEO Position: Watch*

**AB 1100 (Chen and Harper) Taxation: homeowners’ exemption and renters’ credit**

Beginning with the lien date of the 2018-19 fiscal year, AB 1100 would increase the homeowners’ exemption from the current $7,000 to $25,000 of the full value of an eligible dwelling

Beginning with the lien date for the 2019-20 fiscal year and for each fiscal year thereafter, the assessor would be required to adjust the exemption amount of the prior fiscal year by the percentage change, rounded to the nearest one-thousandth of one percent, in the House Price Index for California for the first three quarters of the prior calendar year.

Status: Assembly Revenue and Taxation Committee *(This bill will not move forward this year)*

CACEO Position: Watch

**AB 1146 (Flora) Cities and counties: legal services: contingency fee contracts**

*Amended 4/18/17*

*AB 1146, which would have required, among other things, a board of supervisors to post a copy of any executed contingency fee contract for legal services relating to civil litigation initiated by the county, to make a finding that the contract would be cost-effective and in the public interest. The bill would have required the board to post on the county’s Web site a written request for proposals to represent the county, and to post the executed contingency fee contract for legal services on the Web where it would remain for the duration of the contract.*

*The amended bill eliminated those provisions and would now be limited to required contract language for such contracts.*

*In light of the amendments, we will drop AB 1146 from future legislation status reports as there is nothing left in the bill of interest to clerks.*

Status: Awaiting hearing in Assembly Local Government Committee

CACEO Position: Watch

**AB 1165 (Gloria) Property taxation: base year value transfers**

Amended 3/20/17

Existing law authorizes a person who is either severely disabled or over 55 years of age to transfer the base year value of property that is eligible for the homeowners’ property tax exemption to a replacement dwelling that is of equal or lesser value located within the same county as the original property, and if a county ordinance providing for such transfers has been adopted, to a replacement dwelling that is located in a different county.

AB 1165 would amend Revenue and Taxation Code Section 69.5 to expand this authorization to transfer the base year value of an original property to a person who has a severely and permanently disabled child.

As a tax levy this bill would take effect immediately upon signature by the Governor, but would become operative only if ACA 5 of the 2017-18 Regular Session is approved by the voters.

See also ACA 5, below, as well as a competing bill, AB 1322, below.

Status: *Hearing in Assembly Revenue and Taxation Committee May 8*

CACEO Position: Watch

***AB 1250 (Jones-Sawyer) Counties and cities: contracts for personal services***

*Amended 4/4/17, 4/17/17, and 4/25/17*

*This bill would establish restrictive standards for the use of certain personal services contracts entered into, renewed, or extended on or after January 1, 2018 by General Law counties that exceed $100,000 and would establish detailed provisions that such contracts must include. However, the bill’s requirements would not apply to personal services contracts for architectural, landscape architectural, environmental, engineering, land surveying, construction project management services, public works contracts named in Labor Code Section 1720, and contracts for public transit services if the county’s transit services are fully funded by Federal Transit Administration assistance and the county is thereby subject to certain Federal guidelines.*

*The latest amended version of the bill also would require a board of supervisors of a General Law county to maintain on the county’s Web site a searchable database of all personal services that are subject to the bill that exceed $5 million. The database must include, but is not limited to, the following:*

* *A description of the services provided under the contract.*
* *The name of the agency, department, or division responsible for providing the service in the absence of the contract.*
* *The name of the contractor and any subcontractors providing services under the contract.*
* *The effective and expiration dates of the contract.*
* *The annual amount paid to the contractor under the terms of the contract in the past three fiscal years and the current fiscal year, including the funding source for all amounts paid.*
* *The annual amount expected to be paid to the contractor under the terms of the contract in the next three fiscal years.*
* *The total projected cost of the contract for all fiscal years and the funding source for all amounts to be paid.*
* *The names of the employees of the contractor and any subcontractors providing services pursuant to the contract and their hourly pay rates, and the total number of full-time equivalent positions involved in performing the services under the contract.*
* *The names of any workers providing services pursuant to the contract as independent contractors and the compensation rates for such workers.*

*Earlier versions of the bill would have applied its provisions to all affected personal services contracts exceeding $100,000.*

*Charter counties would be specifically exempted from all of the bill’s provisions.*

*AB 1250 would create a reimbursable state mandate on local government.*

*Status: Awaiting hearing in Assembly Appropriations Committee*

*CACEO Position: Watch*

**AB 1322 (Bocanegra) Property taxation: intercounty base year value transfers**

Existing law authorizes a person who is either severely disabled or over 55 years of age to transfer the base year value of property that is eligible for the homeowners’ exemption to a replacement dwelling of equal or lesser value located within the same county as the property from which the base year value is transferred or, if a county has adopted the appropriate ordinance, to a replacement dwelling located in a different county.

This bill would amend Revenue and Taxation Code Section 69.5 to authorize any person who is severely and permanently disabled or a person who is over 55 years of age to transfer the base year value of an original property to a replacement dwelling located in a different county without the adoption of a county ordinance allowing such a transfer.

As a tax levy this bill would take effect immediately upon signature by the Governor. However, the bill’s operative date of January 1, 2019 would apply the bill’s provisions to transfers on or after January 1, 2019.

See Assemblymember Bocanegra’s companion bill, ACA 7, below. See also AB 1165, above.

Status: *Assembly Appropriations Committee Suspense File*

CACEO Position: Watch

**AB 1436 (Levine) County highways**

Amended 3/28/17

Existing law permits a board of supervisors, by resolution adopted by a 4/5 vote, to determine that certain activities are of general county interest and that the county can extend county aid for these purposes, which include improving a street within a city, changing the separation of the grade of a street from the separation of the grade of a railroad crossing, etc.

AB 1436 would change the vote requirement for these purposes to a 3/5 vote.

Status: *Hearing in Assembly Local Government Committee May 10*

CACEO Position: Watch

**AB 1455 (Bocanegra) The California Public Records Act: exemptions**

Amended 3/21/17

This bill is only of interest to the Clerk in Los Angeles County.

Existing law exempts from disclosure certain records of state agencies governed by various employee relations acts in state law.

This bill would amend Government Code Section 6254 in the California Public Records Act to also exempt from disclosure certain records of local public agencies governed by the Meyers-Milias-Brown Act (MMBA). These include records that reveal a local agency’s deliberative process, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy, or records that provide instruction, advice, or training to employees who do not have full collective bargaining and representation rights under MMBA.

The bill further provides, however, that the language added to Section 6254 shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by MMBA.

Status: *Hearing in Assembly Judiciary Committee May 2*

CACEO Position: None

*L.A. County Position: None*

**AB 1478 (Jones-Sawyer) Charter schools**

*Amended 4/26/17*

This bill would add Section 47604.1 to the Education Code to, among other things, expressly make charter schools and entities managing charter schools subject to the Political Reform Act of 1974. Thus, for a charter school that is located wholly within a single county, the county board of supervisors would act as the charter school’s conflict of interest code reviewing body and the county’s Form 700 filing officer would become the filing officer for some or all of the charter school’s officials who would be required to file a statement of economic interests.

Although probably most boards of supervisors and county filing officer are already doing this based on Fair Political Practices Commission legal opinions and advice letters, the bill would enshrine these requirements in the law.

Status: *Hearing in Assembly Judiciary Committee May 2*

CACEO Position: Watch

**\*AB 1479 (Bonta) Public records: ~~supervisor~~ *custodian* of records: ~~fines~~ *civil penalties***

*Amended 4/27/17*

*This bill would amend two sections of the California Public Records Act (CPRA). The amendments of April 27 agreed to in the Assembly Judiciary Committee when AB 1479 was heard in that committee on Tuesday, April 26.*

*As amended, the bill would amend Government Code Section 6255 to require public agencies to designate a person or office to act as the agency’s “custodian of records” who would be responsible for responding to any CPRA request and any inquiry from the public about a decision by the agency to deny a request for records.*

*The bill’s amendments to Section 6259 -- the section dealing with penalties for violations of the CPRA -- were also amended to now provide that, if a court finds that an agency or the custodian of records or other public official of an agency (1) improperly withheld a public record from a member of the public that was clearly subject to public disclosure, (2) unreasonably delayed providing the contents of a record subject to disclosure in whole or in part, (3) assessed an unreasonable or unauthorized fee upon a requester, or (4) otherwise did not act in good faith to comply with the CPRA, the court may assess a civil penalty against the agency in an amount of not less than $1,000 nor more than $5,000.*

*Finally, the bill was also amended to delete the state fund into which civil penalties would be deposited, thus the civil penalty would be given to the plaintiff.*

*CACEO’s Clerk of the Board Legislative Committee opposes AB 1479, but is reviewing the amended version of the bill.*

Status: *Assembly Second Reading File.*

CACEO Position: OPPOSE.

**AB 1524 (Brough) Political Reform Act of 1974: mass mailing prohibitions**

This bill may be of interest only to the clerk in Los Angeles County.

AB 1524 would add Section 89004 of the Government Code to prohibit, within 90 days preceding an election, the sending of a mass mailing by either (1) a candidate, or on the candidates’ behalf, if the candidate’s name will be on the ballot at that election, or (2) an agency, if a measure on the ballot at the election will have a direct financial impact on the agency, with certain exceptions for school districts and community college districts.

Status: Assembly Elections and Redistricting Committee *(This bill will not move forward this year)*

CACEO Position: Watch

**AB 1574 (Mayes) Property taxation: change in ownership: mobilehome parks**

Amended 3/29/17

This spot bill was gutted and amended March 29 to add Revenue and Taxation Code Section 62.4 to provide that, beginning with lien dates occurring on and after January 1, 2018, a change in ownership does not include the transfer of a mobilehome park that is restricted to persons 55 years and older. The bill would take effect immediately as a tax levy.

Status: *Awaiting hearing in Assembly Revenue and Taxation Committee*

CACEO Position: Watch

**AB 1596 (Mullin) Local government: Enhanced Infrastructure Financing Districts**

Existing law permits a board of supervisors to create an enhanced infrastructure financing district governed by an enhanced infrastructure financing authority comprised of members of the legislative bodies of the participating entities and of the public. The public financing authority may initiate proceedings to issue bonds for certain purposes by adopting a resolution stating its intent to issue the bonds. Existing law requires the clerk of the public financing authority to publish the resolution once a day for at least seven successive days in a newspaper that is published in the county at least six days a week, or at least once a week for two successive weeks in a newspaper published in the county less than six days a week.

This bill would require the clerk to also publish the resolution on the Internet Web site of the public financing authority, if it has one. Thus, the bill would impose a state-mandated local program that, at least potentially, would be reimbursable.

(We do not know whether any Clerk of the Board functions as clerk of a public financing authority under the Enhanced Infrastructure Financing Law.)

Status: Assembly Local Government Committee *(This bill will not move forward this year)*

CACEO Position: Watch

**AB 1598 (Mullin) ~~Community revitalization and investment authorities~~ *Affordable housing authorities***

*Amended 4/6/17 and 4/20/17*

Existing law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area to carry out provisions of the Community Redevelopment Law in the area.

*AB 1598 would authorize the creation of yet another replacement to redevelopment agencies.* In this case the bill would authorize a city, a county, or city and county to adopt a resolution creating *an affordable housing authority* with power limited to providing low- and moderate-income housing *funded through a low- and moderate-income housing fund, as specified.*

*The bill would require that the governing body of an affordable housing authority created, in our case, by a board of supervisors acting as the “consenting local agency,” as defined, be composed of at least three members of the board of supervisors appointed by the board of supervisors. In the case of an authority created by a city and a county jointly, the governing board of the authority shall consist of at least three members of the city council and three members of the board of supervisors. In either case, the governing board of the authority shall also include at least one member of the public who lives or works within the boundaries of the city or county that created the authority.*

*The bill would prevent certain entities from participating in an authority created by this bill, including a successor agency. An authority created by a city or a county that created a redevelopment agency that was dissolved pursuant to certain sections of the Health and Safety Code shall not become effective until the successor agency or designated local authority for the former redevelopment agency has adopted findings of fact stating all of the following:*

* *The agency has received a finding of completion from the State Department of Finance.*
* *Former redevelopment agency assets that are the subject of litigation against the state under conditions described in detail in the bill have not been or will not be used to benefit any efforts of an affordable housing authority unless the litigation has been resolved, as specified.*
* *The agency has complied with all orders of the State Controller, as specified.*

*The authority would be required to adopt, after holding a noticed public hearing, an affordable housing investment plan, as specified.*

*The bill would require affordable housing authority boards to be subject to the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. Thus, such boards would be required to adopt a conflict of interest code, or its positions would be included in the county’s conflict of interest code, and the authority board members would file a Statement of Economic Interests with the county.*

Status: *Awaiting hearing in Assembly Appropriations Committee*

CACEO Position: Watch

**ACA 5 (Gloria) ~~Property taxation: base year value transfers: persons with a severely disabled child~~ *Motor vehicle fees and taxes: restriction on expenditures: appropriations limit***

*Amended 4/4/17*

*This constitutional amendment relating to property taxation was gutted and amended and now deals with a subject of no interest to Clerks of the Board. It will be dropped from future status reports*.

*The language of ACA 5 was inserted into new ACA 12 (see below).*

Status: *Chaptered – Resolution Chapter 20 of 2017*

CACEO Position: *None*

**ACA 7 (Bocanegra) Property taxation: intercounty base year value transfers**

Existing law authorizes the Legislature to provide that a severely disabled person and a person over 55 years of age may transfer the base year value of property that is eligible for the homeowners’ exemption to a replacement dwelling that is of equal or lesser value located within the same county as the original property. Existing law also provides that, if a county adopts an ordinance to permit it, a person who is severely disabled and a person over 55 years of age may transfer the base year value to a replacement dwelling of equal or lesser value in another county.

This measure would authorize the Legislature to require by statute that the provisions relating to a transfer of base year value also apply to situations in which the original property and the replacement dwelling are located in different counties.

Status: Assembly

CACO Position: Watch

***ACA 12 Property taxation: base year value transfers: persons with a severely disabled child***

*Amended 4/4/17*

*The California Constitution authorizes the Legislature to provide that persons over 55 years of age and persons who are severely disabled may transfer the base year value of real property that is eligible for a homeowners’ exemption to a replacement dwelling, upon meeting certain conditions.*

*The language that was contained in the earlier version of ACA 5 was inserted into ACA 12, which would amend Section 2 of Article XIII A to additionally authorize the Legislature to provide for a similar transfer of base year value of a property eligible for a homeowners’ exemption to a replacement dwelling for persons who have a severely disabled child.*

*Status: Assembly Rules Committee awaiting policy committee assignment*

*CACEO Position: Watch*

**SB 24 (Portantino) Political Reform Act of 1974: economic interest disclosure**

This bill would revise the economic disclosure value ranges on the Form 700 as described below.

Existing law requires disclosure of real property values in the following ranges:

$2,000 to $10,000

More than $10,000 to $100,000

More than $100,000 to $1 million

More than $1 million

This bill would amend Government Code Section 87206 to expand those ranges as follows:

$2,000 to $25,000

More than $25,000 to $100,000

More than $100,000 to $250,000

More than $250,000 to $500,000

More than $500,000 to $1 million

More than $1 million to $5 million

More than $5 million to $10 million

More than $10 million

Existing law requires the aggregate income, other than gifts, from a single source to be reported in the following ranges:

$500 to $1,000

More than $1,000 to $10,000

More than $10,000 to $100,000

More than $100,000

SB 24 would amend Section 87207 to expand those ranges as follows:

$500 to $1,000

More than $1,000 to $10,000

More than $10,000 to $25,000

More than $25,000 to $100,000

More than $100,000 to $250,000

More than $250,000 to $500,000

More than $500,000 to $1 million

More than $1 million to $5 million

More than $5 million to $10 million

More than $10 million

Status: *Assembly Desk*

CACEO Position: Watch

**SB 32 (Moorlach) California Public Employees’ Pension Reform Act of 2018**

Amended 3/2/17

If you liked PEPRA of 2013, you’re going to love SB 32. Although we normally don’t track bills with general impact on county employees, we have in the past tracked some bills that had potentially significant impact on the lives of county employees, including clerks. We followed PEPRA in 2012 and are doing so again this year with nueva PEPRA.

SB 32 would create the Citizen’s Pension Oversight Committee to serve in an advisory capacity to the Teachers’ Retirement Board and the Board of Administration of PERS. The Committee would annually review the actual pension costs and obligations of PERS and STRS and report its findings to the public.

The bill would add Government Code Section 20140 to the Public Employees’ Retirement Law to require the PERS board, on or before January 1, 2019, develop and submit to the Legislature for approval a hybrid retirement plan that utilizes both defined benefit and defined contribution components. The bill would require any new employee of the state, a contracting agency, or a school employer on or after the approval date of the hybrid plan to be a member of the hybrid plan.

Further the PERS board would be required to determine what the level of the unfunded liability of the system was in 1980 and would be required to reduce the unfunded liability to that level by 2030. In any year in which the unfunded liability is greater than zero, the PERS board would be required to increase the employer contribution rate, including the rate paid by contracting counties, by 10 percent.

The bill would amend Government Code Section 7522.34 in existing PEPRA law to find and declare that “normal monthly rate of pay” or “base pay,” which is used to determine “pensionable compensation,” “does not include, and was not intended to include [emphasis added], incentive pay, educational pay, premium pay, special assignment pay, or holiday pay.” The bill would specifically prohibit a public retirement board, including PERS and county 1937 Act systems, from using any of these types of pay in determining a member’s pensionable compensation.

In the portions of the bill that would actually form the PEPRA of 2018, the definition of “public employers” covered by the proposed PEPRA would NOT include charter counties, unless the board of supervisors elects to make the PEPRA of 2018, or any section thereof, applicable to that county. Clerks from charter counties may take some comfort from this, unless their board of supervisors makes the election. (It only takes three votes – oops – except in San Francisco.)

PEPRA of 2018 would define the affected public retirement systems to include all public retirement systems, including PERS and ‘37 Act systems, but not systems already excluded from existing PEPRA. Again, charter counties that do not opt into the new PEPRA would not be included.

The bill would provide that, notwithstanding existing law that says otherwise, employees who become members as of January 1, 2018 of a retirement system subject to new PEPRA will have their final compensation calculated using the highest average annual pensionable compensation earned during a period of at least 60 consecutive months, rather than current law’s 36-month period, or some other period, depending on a member’s system and particular plan.

SB 32 would prohibit a public retirement system that is subject to new PEPRA from making a cost of living adjustment to any allowance of a retiree, survivor, or beneficiary beginning on or after January 1, 2018 in which the unfunded actuarial liability of either STRS or PERS is greater than zero.

Status: *Failed passage in Senate Public Employment and Retirement Committee; Reconsideration granted (This bill will not move forward this year)*

CACEO Position: Watch

**SB 45 (Mendoza) Political Reform Act of 1974: mass mailing prohibition**

*Amended 4/6/17, 4/17/17, 4/24/17*

Existing law prohibits elected officials from sending mass mailing at public expense. “Mass mailing” is defined as a mailing of over 200 substantially similar pieces of mail, not including form letters or other mail that is sent in response to an unsolicited request, letter or other inquiry. *An existing regulation of the Fair Political Practices Commission sets forth in detail criteria for mass mailings that are prohibited by the act and for mass mailings that are permissible under the act.*

*This bill would add Section 89002 to the Government Code codifying the FPPC’s regulation on the subject and would add Section 89003 to additionally prohibit a mass mailing that otherwise complies with the criteria in Section 89002 from being sent within 90 days preceding an election by or on behalf of a candidate whose name will appear on the ballot, except as specified in Section 89002. These permissible exceptions include an item in which an elected officer’s name appears only in the letterhead of the stationery, form, or envelope of the agency (with some exceptions); a press release sent to members of the media; an item sent in the normal course of business from one governmental entity to another governmental entity; an intra-agency communication sent in the normal course of business; an item in connection with a payment or collection of funds by the agency containing the elected official’s name that is necessary for proper payment or collection of funds (with limitations); a legal notice or other item sent as required by law, court order, etc.; or an agenda or other writing that is required to be made available by law.*

Status: *Hearing in Senate Appropriations Committee May 8*

CACEO Position: Watch

**SB 72 (Mitchell) Budget Act of 2017**

Unlike the current year’s Budget Act, this 2017-18 Budget Act bill contains no money for reimbursement claims relating to California Public Records Act compliance activities. However, this bill would, once again, fund mandates for Ethics Training in the amount of $5,000 statewide. Like the current Budget Act, this bill would suspend reimbursement for unpaid claims relating to reimbursable Brown Act activities.

See also AB 96 (Ting).

Status: Awaiting hearing in Senate Budget and Fiscal Review Committee

CACEO Position: Watch

**\*SB 205 (Committee on Governance and Finance) Local Government Omnibus Act of 2017**

Amended 3/23/17

Existing law in Section 1360 of the Government Code requires any officer to take the oath of office specified in Section 3 of Article XX of the California Constitution before entering the duties of his or her office.

This provision in SB 205 was initiated by the Fresno County Clerk to amend Section 1360 to clarify that the oath of office would need to be taken after the officer’s election or appointment and before entering the duties of the office. This provision of the bill was triggered by some elected officials in Fresno County who, having taken the oath at the time of filing their candidacy papers, refused to take the oath after their election. The existing code section is vague on that point.

The bill was amended March 23 to add two provisions that the Clerk of the Board Legislative Committee chose to support. These are Sections 6 and 7 of the bill, which would amend Government Code Sections 54973 and 54974 in the Maddy Act with respect to the Local Appointments List. The bill would permit the legislative body of a local agency to either post a copy of the appointments list on its Internet Web site OR designate a local library to receive a copy of the list. Current law only requires that a local library be designated for this purpose.

Status: *Assembly Desk*

CACEO Position: SUPPORT

**SB 206 (Committee on Governance and Finance) Validations**

This bill would enact the First Validating Act of 2017 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill is an urgency bill and would take effect immediately upon signature by the Governor.

Status: Assembly Desk

CACEO Position: Watch

**SB 207 (Committee on Governance and Finance) Validations**

This bill would enact the Second Validating Act of 2017 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

This bill is an urgency bill and would take effect immediately upon signature by the Governor.

Status: Assembly Desk

CACEO Position: Watch

**SB 208 (Committee on Governance and Finance) Validations**

This bill would enact the Third Validating Act of 2017 to validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Status: Assembly Desk

CACEO Position: Watch

***\*SB 244 (Lara) Privacy: agencies: personal information***

*Amended 4/3/17*

*Among the many provisions in this bill is one that would amend the information Practices Act of 1977 by adding Section 1798.785 to the Civil Code regarding personal information contained in records and forms relating to applications for public services or programs, which would likely include assessment appeals and claims against the county.*

*“Applicant for public services or programs” is defined as any natural person who applies for, receives, or uses any government service or benefit on his or her own behalf or on behalf of a dependent. The definition of “public services or programs” lists numerous types of services and programs, but states that the term is not limited to only those programs.*

*Proposed Section 1798.785 would require that personal information collected by state agencies and any agency of a subdivision of the state (that’s where we come in) obtained from an applicant for public services or programs be collected, recorded, or used only for the purpose of assessing eligibility for and provide those public services and programs for which the application has been submitted.*

*Personal information would include all of the following:*

* ***Name***
* ***Residential , business, or other address***
* *Date and place of birth*
* *Religion*
* *Sex, sexual orientation, gender, and gender identity (no more Mr,. Mrs. and, Ms?)*
* *Marital status*
* *Age*
* *Citizenship or immigration status*
* *Social security number or individual taxpayer identification number issued by the IRS*
* *Records of criminal or juvenile arrests, convictions, or adjudications*
* *Status as a victim of crime*
* *Known or suspected political or organizational affiliations*
* ***Status as a recipient of public services or programs***
* ***Health information***
* *Income,* ***assets****, and debt*
* *Credit information*

*The bill would also provide that personal information is not a public record for purposes of the California Public Records Act and would prohibit disclosure of the personal information to any other person, with exceptions, including an exception that would allow an agency to share the personal information if disclosure is required to administer the requested public services or program. Thus, a clerk could share the information on an assessment appeal application with the assessor and other property tax departments, as well as with the county counsel, and could share personal information relating to a claim against the county with the county counsel (duh).*

*The bill was approved, with amendments, by the Senate Judiciary Committee on Tuesday, but those amendments are not yet in print. We do know that some of the amendments are in regards to the circumstances that would determine what personal information could be disclosed under the California Public Records Act. Once the amendments are in print, the bill will proceed to the Senate Appropriations Committee.*

*Status: Senate Judiciary Committee*

*CACEO Position: Watch*

**SB 246 (Bates) Property tax: base year value transfers**

Existing law permits a person who is either severely disabled or over 55 years of age to transfer the base year value of property that is eligible for the homeowners’ exemption to a replacement dwelling that is of equal or lesser value located within the same county as the original property, provided that the replacement dwelling is purchased or newly constructed within two years of the sale of the original property, subject to certain conditions. Among those conditions is the requirement that the claimant has not previously been granted, as a claimant, this property tax relief. Existing law provides that that limitation does not apply to any person who becomes severely and permanently disabled subsequent to being granted, as a claimant, the property tax relief provided by Section 69.5 of the Revenue and Taxation Code for any person over the age of 55 years.

SB 246 would amend Section 69.5 to additionally provide that the limitation does not apply to any person who turned 55 years of age subsequent to being granted, as a claimant, the property tax relief provided by this section for a person who is severely and permanently disabled.

Status: *Assembly Desk*

CACEO Position: Watch

**SB 275 (Portantino) Surplus residential property: State Route 70: property taxes: assessments**

This bill is of interest only to Los Angeles County.

Existing property tax law defines “full cash value” of property as the property’s “fair market value”, meaning the amount of cash or its equivalent that property would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other, and both the buyer and the seller have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used, and of the enforceable restrictions upon those uses and purposes.

This bill would add Section 54238.8 to the Government Code to require surplus residential property purchased at an affordable price in relation to the above-described conditions to be assessed at its affordable price for property tax purposes. It would also require surplus residential property purchased at a reasonable price in relation to the above-described conditions to be assessed at its reasonable price for property tax purposes. The bill further provides that this new section would only apply to surplus residential properties for State Route 710 in Los Angeles County.

Status: *Hearing in Senate Governance and Finance Committee*

 *May 10*

CACEO Position: None

*L.A. County Position: None*

**SB 404 (Stone) Property taxation: senior and disabled veterans**

*Amended 4/18/17*

Existing property tax law implementing the restrictions contained in Proposition 13 provides that the taxable value of real property is the lesser of its base year value compounded annually by an inflation factor not to exceed 2%, or its full cash value. Existing law makes similar provisions with regard to the taxable value of a manufactured home.

SB 404, for any assessment year commencing on or after January 1, 2018, would provide that the percentage inflation factor shall not apply to the principal place of residence, including a manufactured home, of a qualified veteran, as defined in law, who is 65 years of age or older on the lien date, was honorably discharged from military service, and meets the following requirements:

* He or she meets the criteria in subdivision (o) of Section 3 of Article XIII of the California Constitution.
* If single, his or her annual income is less than $50,000
* If married, his or her *annual household* income is less than $100,000.
* The claimant has provided all information required the assessor.

Status: *Hearing in Senate Appropriations Committee May 8*

CACEO Position: Watch

**\*SB 447 (Nielsen) Property taxes: equalization: multicounty assessment appeals boards**

*Amended 4/18/17*

Existing Article XIII Section 16 of the California Constitution authorizes two or more counties to jointly create one or more assessment appeals boards to constitute the county board of equalization for each of the participating counties.  Article XIII Section 16 also provides that the Legislature is empowered to provide for the procedure by which counties may jointly create these boards.  However, the Legislature has never passed such legislation.  Not until now, at least.

SB 447 would add Chapter 1.5 (commencing with Section 1750) to Part 3 of Division 1 of the Revenue and Taxation Code to authorize two or more counties to establish one or more multijurisdictional assessment appeals boards and sets forth the details of the procedure to establish these boards.  In summary, the bill would provide that:

1. The multijurisdictional boards would equalize the valuation of taxable property within each participating county.
2. *A board of supervisors of a participating county, or an assessment appeals board created by a board of supervisors of a participating county, shall NOT constitute the county board of equalization while the multijurisdictional assessment appeals board exists.*
3. Each of the participating county boards of supervisors would enter into an agreement by enacting an ordinance that would be operative for four years.
4. The participating counties may adopt a set of rules for the multijurisdictional assessment appeals board.  If they do not adopt rules, the State Board of Equalization’s Property Tax Rules, as those provisions read on January 1, 2017, would apply to the multijurisdictional boards.
5. The multijurisdictional boards would operate, except as otherwise specified in SB 447, in accordance with Articles 1, 1.5, and 1.7 of the Revenue and Taxation Code, as those provisions relate to the functions of assessment appeals boards.
6. The new AABs would include a minimum of three members, comprised of at least one appointed representative from each participating county.  The board of supervisors of each county shall appoint one or more representatives to serve on the boards as either members or alternates.
7. The members shall serve a term determined by the participating counties, but the lengths of the terms of the board members must be structured so that not more than two members’ terms expire concurrently.
8. Members must meet all the eligibility requirements in Revenue and Taxation Section 1624 and all the training requirements contained in Sections 1624.01 and 1624.02, *as those sections read on 1/1/17.*
9. A participating county may remove its appointed representative for cause by resolution adopted by a majority vote of the board of supervisors.
10. Members of the board of supervisors are ineligible to serve as members or alternates to the multijurisdictional board.
11. Any legal action filed by the assessor or taxpayer challenging the multijurisdictional board’s determination must be filed in the superior court with jurisdiction where the subject property is located.
12. The county clerk of the county where an appeal originated shall be designated as the “lead clerk” for purposes of scheduling a hearing on the appeal and coordinating with the clerks of the other participating counties, unless the participating counties appoint a single county clerk to serve as the “lead clerk” for the multijurisdictional assessment appeals board.
13. If the participating counties appoint a single county clerk as the “lead clerk”, the agreement between the counties must provide for the allocation of costs and reimbursements associated with the activities of the board among the participating counties.
14. A county may be added as a participating county by enactment of a resolution by a majority of the current participating counties and subsequent enactment of an ordinance by the new participating county.
15. A participating county may withdraw from the agreement by enactment of an ordinance terminating its membership.
16. The withdrawing county must, by resolution, provide two years’ advance notice to the other counties prior to withdrawal in order to allow for the disposal of matters scheduled or pending before the board.
17. Any matters filed before the two-year notice period ends that have not been heard and decided automatically are referred to the local board of equalization or successor board in the county from which the appeal was filed.

*CACEO’s Clerk of the Board of Supervisors Legislative Committee decided not to take a position on SB 447.*

Status: *Assembly Desk*

CACEO Position: Watch

**SB 558 (Glazer) Property taxation: new construction exclusion: rain water capture system**

*Amended 4/26/17*

This bill would add Section 74.8 to the Revenue and Taxation Code to exclude from classification as “newly constructed” and “new construction” the construction or addition, on or after January 1, *2019*, of a rain water capture system.

SB 558 provides that the construction or addition of a rain water capture system includes the construction of such a system by the owner-builder in the initial construction of a new building that the owner-builder does not intend to occupy or use. The exclusion provided by the bill would apply to the initial purchaser who purchased the new building form the owner-builder only if the owner-builder did not receive an exclusion for the same rain water capture system and only if the initial purchaser purchased the new building prior to that building becoming subject to reassessment to the owner-builder as of January 1 following the date of completion.

The bill sets forth the procedures to be followed by the assessor in assessing these systems

*This bill would become effective immediately upon signature by the Governor as a tax levy. The operative date of 1/1/19 still would apply, however, and SCA 9 would still have to be approved by the voters.*

See also SCA 9, below.

Status: *Hearing in Senate Appropriations Committee May 8*

CACEO position: Watch

**SB 691 (Lara) Local agency elections: party preference**

Existing law requires that elected positions in cities, counties, a city and county, or district be nonpartisan.

SB 691 would add new law to the Elections Code to authorize each candidate for nonpartisan elective office of a local agency to prepare a candidate’s statement that may include his or her party preference or membership or activity in partisan political organizations.

The bill would also require a ballot for an elective office in a local agency to include a candidate’s party preference.

Status: Senate Elections and Constitutional Amendments Committee *(This bill will not move forward this year)*

CACEO Position: Watch

**SB 693 (Mendoza) Lower San Gabriel River Recreation and Park District**

This bill is of interest to only the Clerk in Los Angeles County.

FYI, SB 693 would authorize the establishment of the Lower San Gabriel River Recreation and Park District by petition or resolution submitted to the L.A. County LAFCO.  The initial board of directors of the district would consist of no more than 13 members appointed by the city councils of the following cities:

* Downey
* Whittier
* Pico Rivera
* Norwalk
* Santa Fe Springs
* Artesia
* Bellflower
* Cerritos
* Lakewood
* Montebello
* Hawaiian Gardens
* Long Beach

The Los Angeles County Board of Supervisors would also appoint one member.

Each member of the district’s board of directors would serve at the pleasure of the member’s appointing authority.

Status: *Hearing in Senate Appropriations Committee May 8*

CACEO Position: None

*L.A. County Position: None*

**SB 792 (Wilk) Local government: Measure B Oversight Commission: County of Los Angeles**

This bill is of interest to only the Clerk in Los Angeles County.

Senate Bill 792 would create the Measure B Oversight Commission in the County of Los Angeles.  The commission would be required to submit a report to the Legislature, by June 1, 2020, that assesses the solvency of the County’s trauma network, makes recommendations to address any deficiencies it finds, assesses the need and feasibility of trauma center expansion in order to more equitably serve the citizens of the County, and reports details of the allocation of Measure B funds and any changes that should be made with regard to the allocation of funds.  The commission would provide ongoing oversight and monitoring of the collection and expenditure of Measure B funds and would be required to annually submit a report to the Legislature concerning the effectiveness of the program and make recommendations for changes and improvements.  The bill would require the County to annually post in a clear and accessible location on the Count’s Web site the total allocation to each trauma center.

SB 792 would provide that the commission consist of the following members:

* A member appointed by each city in the County of Los Angles with a trauma center.
* A member appointed by the Southern California Chapter of the American College of Surgeons.
* A member appointed by the Board of Supervisors.
* A member appointed by the Emergency Medical Services Authority.
* A member appointed by the Department of Health Services.
* A member appointed by the Los Angeles County Office of the Assessor.
* Two members who are citizens appointed by the commission to represent underserved areas of the county.

The bill would create a reimbursable state mandate on the county.

Status: *Awaiting hearing in Senate Appropriations Committee*

CACEO Position: None

L.A. County Position: OPPOSE

**SB 806 (Glazer) Charter school governance**

*Amended 4/17/17*

This bill would amend Section 47604 to require that a charter school be operated as, or be operated by, a nonprofit public benefit corporation formed under the Nonprofit Public Benefit Corporation Law or operated by a school district or county office of education. The bill would specifically prohibit a charter school from operating as, or being operated by, a for-profit entity

The bill would add Section 47604.1 to provide, among other things, that charter schools are subject to the Political Reform Act of 1974. However, the bill further provides that a charter school shall be considered an agency [under the Political Reform Act] “and is the most decentralized level for purposes of adopting a conflict of interest code.” This provision, then, would prevent a county board of supervisors from requiring that an authorizing school district or other authorizing entity to incorporate the designated positions of their charter schools in the conflict of interest code of the authorizing district or other entity, notwithstanding Government Code Section 87301 in the Political Reform Act, which reserves the right to make the decision as to what entity constitutes an “agency” to the code reviewing body, i.e. in this case, the board of supervisors. Thus, each charter school would have to be treated as a separate agency for purposes of adopting a conflict of interest code. *On this basis, CACEO opposed SB 806, unless amended to remove that provision.*

The bill also provides that Section 47604.1 would not become operative before July 1, 2018. Other provisions contained in the bill become effective and operative January 1, 2018.

Status: Failed passage in Senate Judiciary Committee; Reconsideration granted (This bill will not move forward this year)

CACEO Position: *Oppose, unless amended*

**SCA 9 (Glazer) Property tax: new construction exclusion: rain water capture system**

*Amended 4/26/17*

This measure would amend subdivision (c) of Section 2 of Article XIII to authorize the Legislature to exempt from the term “newly constructed” the construction or addition, completed on or after January 1, *2019*, of a rain water capture system, as defined by the Legislature (in SB 558).

See also SB 558 (Glazer), above.

Status: *Awaiting hearing in Senate Elections and Constitutional Amendments Committee*

CACEO Position: Watch

***SCA 12 (Mendoza) Counties: governing body: county executive***

*This bill would affect charter counties with a population of more than 5 million people, so it currently would only affect Los Angeles County.*

*SCA 12 would amend Section 4 of, and add Sections 4.5 and 4.6 to, Article XI of the California Constitution dealing with charter counties.*

*Beginning January 1, 2022, in a county that has a population of more than 5 million based on the 2020 census, the board of supervisors shall be expanded to a size that would ensure that each member of the board would represent a district containing a population of no more than the population of two districts of the House of Representatives (710,767 in the 2010 census; 2020 district size will be larger), thus each district would be at least 1.5 million by the 2020 census.*

*This measure also would require an affected county to have an elected county executive elected at a general election.*

*The measure would provide that expenditures for the board of supervisors and staff (not defined, so we don’t know if that would include the Executive Office of the Board of Supervisors/Clerk of the Board) shall not exceed, for any subsequent fiscal year after the release of the census in which a county reaches more than 5 million people, the amount that was allocated for the board’s expenses in the adopted budget for the fiscal year in which the census was conducted. The board’s budget may be adjusted to account for a change in the California Consumer Price Index or to address contingencies unaccounted for during the census fiscal year.*

*Board members would serve four-year terms and would be limited to three terms in office. Additional members of the board would serve the same terms as other board members, except that no more than one-half of the additional members elected on or after 1/1/22 may serve a shortened term in order to provide for staggered terms.*

*The elected county executive would serve six-year terms and be limited to two terms in office. The county executive’s budget for the first fiscal year in which the office is in existence shall be based upon the budget of the CEO for the fiscal year in which the voters approve this measure. The county executive would receive the same salary as the presiding judge of the superior court.*

*The county executive would appoint and dismiss all department heads, but the board could overrule the county executive within 30 calendar days of the appointment or dismissal. Further, the county executive would appoint the members of any county commission, subject to confirmation by the board.*

*The bill sets forth in detail the budget adoption process in which the county executive submits the budget to the board within 45 days of adoption of the state budget; the board can then adopt the budget, with or without amendments; the county executive would have the power of line-item veto, but his or her decisions could be overridden by the board with a 2/3 vote.*

*Status: Senate Rules Committee awaiting policy committee assignment*

*CACEO Position: None*

*Los Angeles County Position: PENDING*

4/29/17