**California Association of Clerks and Election Officials**

**Clerk of the Board Legislation Status Report**

**April 2015**

This report reflects the status of bills as of *April 28, 2015*. Bills of particular interest to clerks of the board are identified by an asterisk. All bills are as introduced, unless otherwise indicated. *Changes since the previous report are shown in italics.*

***AB 2 (Alejo) Community revitalization authority***

*Amended 3/26/15*

*This bill would authorize a city, a county, or a city and county, and combinations thereof (i.e., JPAs), to form a community revitalization and investment authority within a community revitalization and investment area, as defined, to carry out the provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Many of the steps involved informing these entities would affect the clerk of the legislative body relating to noticing and conducting public hearings and would have at least minor impact on the clerk’s responsibilities in administering the Maddy Act (Maddy Local Appointive List Act of 1975).*

*The bill would provide that a community revitalization and investment authority may be created by resolution of the legislative body (e.g., the board of supervisors). Note that redevelopment successor agencies are barred from participating in an authority.*

*The governing body of an authority would be appointed by the legislative body and would include three members of the legislative body (in our case, the board of supervisors) and two public members appointed by the legislative body. Appointment of the two public members would be subject to the provisions of Government Code Section 54974 (Maddy Act). The public members would be required to live or work within the community revitalization and investment area. The governing body of the community revitalization and investment authority would be subject to the Brown Act, the California Public Records Act, and the Political Reform Act of 1974. The bill does not so specify, but it is presumed that the clerk of the board of supervisors would be the clerk of the authority’s governing body.*

*The authority’s governing body would be required to adopt a community revitalization and investment plan that must be considered at three public hearings that shall take place at least 30 days apart. At the first public hearing, the authority shall hear all written and oral comments but take no action. At the second public hearing the authority shall consider all written and oral comments and take action to modify or reject the plan. If the plan is not rejected, then the authority shall conduct a protest proceeding at the third public hearing to consider whether the property owners and residents within the plan area wish to present oral or written protests against the creation of the authority.*

*The draft plan must be available to the public and to each property owner within the area at a meeting held at least 30 days prior to the notice given for the first public hearing. The meeting shall be to allow the staff of the authority to present the draft plan, answer questions about the plan, and consider comments about the plan.*

*Notice of the first public hearing must be given by publication not less than once a week for four successive weeks in a newspaper of general circulation published in the county in which the area lies. It must also be mailed to each property owner within the proposed area of the plan.*

*Notice of the second public hearing must be given by publication not less than 10 days prior to the date of the second public hearing in a newspaper of general circulation and must be mailed to each property owner within the proposed area of the plan. Notice of the public hearing must include information specified in the bill. Notice of the second public hearing must also include a summary of the changes made to the plan as a result of the oral and written testimony received at or before the first public hearing and it must identify a location accessible to the public where the plan that will be presented at the second public hearing can be reviewed. Notice of the third public hearing to consider written or oral protests shall contain a copy of the final plan to be adopted by the authority and shall inform the property owner and resident of his or her right to submit an oral or written protest before the close of the public hearing.*

*At the third public hearing, the authority shall consider all written and oral protests received prior to the close of the public hearing and shall terminate the proceedings or adopt the plan, subject to confirmation by the voters at an election called for that purpose. The authority shall terminate the proceedings if there is a majority protest representing over 50 percent of the combined number of property owners and residents in the area who are at least 18 years of age. An election shall be called if between 25 percent and 50 percent of the combined number of property owners and residents in the area who are at least 18 years of age file a protest. If an election is called, it must be done so within 90 days of the public hearing and may be held by mail-in ballot. The procedures for the election must be adopted at a duly noticed public hearing.*

*The bill would permit the authority to provide notice of the public hearings required by the bill to tenants of properties within the proposed area of the plan in a manner of the authority’s choosing.*

*The bill would also provide that, if a majority protest does not exist, the authority may adopt the plan by ordinance at the conclusion of the third public hearing. However, the ordinance adopting the plan would be subject to referendum.*

*The authority would be required to review the plan at least annually and make any necessary or appropriate amendments in accordance with the procedures for plan adoption described above. The authority shall also cause a draft annual report to be posted in an easily identifiable and accessible location on the authority’s Internet Web site and shall mail a written notice of the availability of the draft report on the Web site to each owner of land and each resident within the plan area and to each taxing entity that receives ad valorem property taxes from the property and has adopted a resolution directing the county auditor-controller to allocate its share of tax increment funds within the area of the plan in accordance with procedures set forth in the bill. The notice shall be mailed by first-class mail, but may be addressed to “occupant.”*

*The bill would require that every 10 years, at the public hearing on the annual report the authority shall conduct a protest proceeding to determine whether property owners and residents within the plan area wish to present oral or written protests against the authority. Notice of the protest proceeding must be included in the written notice of the hearing on the annual report and must inform the property owner and resident of his or her right to submit an oral or written protest before the close of the public hearing. The authority would be barred from taking further action to implement the plan if a majority protest exists, or the authority shall call an election in accordance with the plan adoption procedures described above. An election shall be conducted in the manner for plan adoption described above.*

*Status: Awaiting hearing in Assembly Appropriations Committee*

*CACEO Position: Watch*

**\*AB 10 (Gatto) Political Reform Act of 1974: economic interest disclosures**

*Amended 4/7/15*

AB 10 would increase the thresholds at which a public official has a disqualifying financial interest in sources of income from $500 to $1,000, in investments in business entities from $2,000 to $5,000, and in interests in real property from $2,000 to $10,000. The bill would also make conforming changes in the reporting thresholds contained in the Form 700, *Statement of Economic Interests*.

Status: *Hearing in Assembly Appropriations Committee April 29*

CACEO Position: Watch

***\*AB 169 (Maienschein) Local government: public records: Internet***

*Amended 4/6/15*

*AB 169, an “open data” bill, would provide that a local agency that voluntarily posts a public record on its Internet Web site and describes the record as an “open” record, the agency must post the public record in an open format that meets the following requirements:*

* *The record is retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.*
* *It is platform independent and machine readable.*
* *It is available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.*
* *It retains the data definitions and structure present when the data was compiled, if applicable.*

*The Clerk of the Board Legislative Committee voted to take a “Concerns” position on AB 169. While generally supportive of the “open data” initiative in concept, clerks are concerned that, by adding the bill’s language and subject matter to the California Public Records Act (CPRA), the bill would misuse and muddle the CPRA by focusing on the format of data files, rather than focusing on access to the content of records. The bill uses the term “public records” when it is actually referring to data file format.*

*The author’s office notes that this bill is entirely permissive. An agency could post or not post information on the Web and the agency‘s Web site could contain a mix of open and not open records if they are properly labeled, we suppose. There is no intention to make any of its provisions mandatory, except that if an agency describes a public record on its Web site as “open”, the record must meet the requirements of the bill. However, in a couple of years, the law could be amended again to make AB 169’s provisions mandatory with respect to all public records posted on the Web.*

*We have recommended that the Legislature remove the bill’s language from the CPRA and create a new, further-amended code section or sections to a separate body of law so that the CPRA does not become a catchall of provisions dealing with the broad subject of information, including such subjects as “data.”*

*Status: Hearing in Assembly Appropriations Committee April 29*

*CACEO Position: CONCERNS*

**AB 204 (O’Donnell) Redevelopment: County of Los Angeles**

*Amended 4/9/15*

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

Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provided for the designation of successor agencies to wind down the affairs of the dissolved agencies, subject to review by oversight boards. Existing law also authorizes, in each county where more than one oversight board was created, only one oversight board to be appointed on and after July 1, 2016.

AB 204 would require an oversight board within Los Angeles County to continue to independently operate past the July 1, 2016 date until its successor agency adopts a resolution dissolving the board in a manner set forth in the bill *and the oversight committee approves that resolution*.

Status: *Hearing in Assembly Housing and Community Development Committee April 29*

CACEO Position: Watch

***AB 237 (Daly) Local governments: parcel taxes: notice***

*Amended 4/20/15*

*This bill would add Section 54930 to the Government Code to require, before the adoption of any new parcel tax, the legislative body of a local agency (including a county) to provide a notice of the vote to enact a proposed parcel tax to the owner of each parcel affected by the tax within one week following the local agency’s vote to place the proposed parcel tax on the ballot.  The bill specifies the content of the notice and provides that it must be sent via U.S. mail, postage prepaid, to all property owners who are proposed to be subject to the new parcel tax and whose names and addresses appear on the last equalized county assessment roll or on the BOE assessment roll, as applicable.*

*Status: Awaiting hearing in Assembly Local Government Committee*

*CACEO Position: Watch*

**AB 291 (Medina) California Environmental Quality Act: local agencies: notice of determination: water**

*Amended 4/15/15 and 4/23/15*

Existing law contained in CEQA requires a local agency that approves or determines to carry out a project subject to CEQA to file a notice of the approval or determination with the county clerk of each county in which the project will be located.

AB 291 would *add Section 21152.2 to the Public Resources Code to* authorize a local agency, for certain water projects described in the bill, to file the notice with the county clerk of the county in which the local agency’s principal office is located. The bill would further require the local agency to file the notice with the state Office of Planning and Research and to mail copies of the notice through first class, postage prepaid U.S. mail with return receipt requested to the county clerk of all the counties in which the water project will be located.

Status: Assembly Second Reading File

CACEO Position: Watch

**AB 311 (Gallagher) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2104**

*Amended 4/15/15*

AB 311 would amend CEQA by adding Section 21168.6.7 to the Public Resources Code to require a public agency, in certifying the EIR and in granting approvals for certain water storage projects funded, in whole or in part, by Proposition 1, to comply with the procedures required by the bill. The bill would also authorize a lead agency to concurrently prepare the record of proceedings for the project.

Among other things, AB 311 would require a public hearing on the matter within 10 days before the close of the public comment period in order to receive testimony on the draft EIR. A transcript of the hearing shall be included as an appendix to the final EIR.

[See also SB 127 (Vidak), a very similar bill that would apply to all qualifying water projects, not just water storage projects.]

Status: *Failed passage in Assembly Natural Resources Committee; reconsideration granted;* double-referred to Assembly Water, Parks and Wildlife Committee

CACEO Position: Watch

**AB 313 (Atkins) Enhanced infrastructure financing districts**

This bill appears to be a clean-up bill for last year’s SB 628 (Chapter 785 of 2014) regarding enhanced infrastructure financing districts.

Existing law contained in last year’s bill required a legislative body, after adopting a resolution to establish a district, to designate and direct the city or county engineer or other appropriate official to prepare an infrastructure plan pursuant to law. AB 313 would amend Government Code Section 53398.62 to require the legislative body to send a copy of the resolution to the public financing authority and would specifically require the public financing authority to designate and direct the appropriate official to prepare the plan.

The bill would also require the public financing authority, not the legislative body as required by existing law, to conduct a public hearing prior to adopting the proposed infrastructure financing plan and would make other conforming changes with respect to the duties of the public financing authority.

Status: *Hearing in Assembly Local Government Committee May 6*

CACEO Position: Watch

***AB 322 (Waldron) Privacy: social security numbers***

*Amended 3/26/15*

*This bill appears to be of interest to only one unit in the office of the clerk in Los Angeles County.*

*This bill would amend Section 1798.85 of the Civil Code (the Information Practices Act of 1977) to prohibit a person, entity, state agency, or local agency from electronically collecting, retaining, maintaining, licensing, or using a social security number unless the social security number is encrypted. It would also prohibit a person, entity, state agency, or local agency from electronically sharing, transmitting, or disclosing a social security number unless it is encrypted.*

*Status: Awaiting hearing in Assembly Privacy and Consumer Protection Committee*

*CACEO Position: None*

***AB 347 (Chang) Local agencies: city selection committees: County of Los Angeles***

*Amended 3/26/15*

*This bill is of interest only to the clerk of the board in Los Angeles County.*

*AB 347, for the city selection committee of the County of Los Angeles, would require that when the mayor of a city is unable to attend a city selection committee meeting the vice mayor or mayor pro tempore serve as the voting member on his or her behalf. If the vice mayor or mayor pro tempore are unable to attend the meeting then the next ranking council member would be required to serve as the voting member on the mayor’s behalf.*

*Status: Hearing in Assembly Local Government Committee May 6*

*CACEO Position: Watch*

**AB 476 (Chang) Taxation: homeowners’ exemption and renters’ credit**

*Amended 3/25/15*

AB 476 would, among other things, amend Section 218 of the Revenue and Taxation Code to increase the homeowners’ exemption to $25,000 of the full value of the dwelling beginning with the lien date for 2016-17. The bill would further provide, beginning with the lien date for the 2017-18 year and for each fiscal year thereafter, that the assessor shall 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.

This bill would take effect immediately as a tax levy upon signature by the Governor.

Status: Awaiting hearing in Assembly Revenue and Taxation Committee

CACEO Position: Watch

**AB 571 (Brown) Property taxation**

Existing law authorizes persons over the age of 55 and persons who are severely and permanently disabled, to transfer the base year value of their property to replacement property if certain conditions are met. AB 571 would amend Section 69.5 of the Revenue and Taxation Code to additionally authorize the transfer of the base year value to replacement property purchased or newly constructed on or after January 1, 2016 for persons who have a severely and permanently disabled child.

Existing law authorizes the county board of equalization or assessment appeals board to abate the penalty for a failure to file a property statement or change in ownership statement if the assessee establishes to the satisfaction of the board that the failure to file the form within the required time limit was due to reasonable cause and not due to willful neglect and that the assessee has filed a written application for abatement of the penalty. This bill would amend Sections 463 and 483 to, instead, authorize abatement of the penalty if the assessee establishes that the failure to file the proper form within the required time period was due to reasonable cause and circumstances beyond the assessee’s control and occurred despite the assessee’s exercise of ordinary care in the absence of willful neglect.

Status: *Hearing in Assembly Revenue and Taxation Committee April 27*

CACEO Position: Watch

***AB 630 (Linder) Public officers and employees: oath of office***

*Amended 3/26/15*

*AB 630 would amend Government Code Section 1363 to authorize a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a legal change in name, delegated authority, or department by an officer or department head of that county. The bill would provide that the powers of an appointed officer of a county are no longer granted upon the officer’s departure from office, and would authorize a board of supervisors to require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.*

*The bill would also amend Section 24102 to provide that the board of supervisors may require every disaster service worker of that county who legally changes his or her name, within 10 days from the date of the change, to file a new oath or affirmation in the same manner as the original filing.*

*Status: Assembly Second Reading File*

*CACEO Position: Watch*

**\*AB 709 (Gipson) Charter schools**

AB 709 would, among other things, amend the Education Code to provide that charter schools in California shall be subject to the Political Reform Act of 1974, except that an employee of a charter school would not be disqualified from serving as a member of the governing body of the charter school because of his or her employment status with the school.

[See also AB 1057 (Medina), below.]

Status: Awaiting hearing in Assembly Education Committee

CACEO Position: Watch

**AB 806 (Dodd) Redevelopment: successor agencies to redevelopment agencies**

*Amended 4/6/15*

Existing law requires each successor agency to a redevelopment agency or community development agency to have an oversight board composed of seven members and requires a member to be appointed by each eligible authority, as set forth in the law. This bill would allow each appointing authority to appoint alternate *representatives* to serve on the oversight board. The bill would provide that the alternate member has the same participatory and voting rights as all other attending members of the oversight board. The bill would require the successor agency to promptly notify the Department of Finance regarding the appointment of any alternate representative.

Status: *Hearing in Assembly Committee on Housing and Development April 29*

CACEO Position: Watch

**\*AB 823 (Bigelow) Counties: ordinances**

Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance, to publish the ordinance with the names of those members voting for and against the ordinance, in a newspaper published in the county, except if there is no newspaper published in the county, in which case the ordinance shall be posted in a prominent location at the board of supervisors’ chambers within the 15-day period and remain posted there for at least one week.

Existing law authorizes the board to meet this publication requirement by publishing a summary of a proposed ordinance or proposed amendment to an existing ordinance that includes, among other requirements, publishing the summary and posting a certified copy of the full text of the ordinance or proposed amendment in the office of clerk of the board of supervisors at least five days prior to the board’s meeting at which the proposed ordinance or amendment is to be adopted.

AB 823 is sponsored by CACEO. It would permit a board of supervisors to post a copy of the complete text of an ordinance on the board’s Internet Web site in lieu of posting a certified copy of the complete text of the ordinance in the offices of the clerk of the board of supervisors.

Status: *Senate Rules Committee awaiting policy committee assignment*

CACEO Position: SPONSOR

**AB 951 (Wilk) *Santa Clarita Valley Sanitation District***

*Amended 3/26/25 and 4/20/15*

*This is a spot bill, which would have amended the Brown Act was gutted and amended on April 20 to deal with a single sanitation district in Los Angeles County. Since it is of no interest to clerks, we will drop the bill from future legislative status reports.*

Status: *Hearing in Assembly Appropriations Committee April 29*

CACEO Position: None

**\*AB 1057 (Medina) Charter schools**

This bill would, among other things, amend the Education Code to provide that charter schools in California shall be subject to the Political Reform Act of 1974, except that an employee of a charter school would not be disqualified from serving as a member of the governing body of the charter school because of his or her employment status with the school.

The bill makes some other exceptions and “clarifications” regarding the applicability of the Political Reform Act, including one that has triggered CACEO’s strong opposition to AB 1057 bill, unless amended.

AB 1057 would provide that for purposes of the Political Reform Act, the jurisdiction of a charter school shall be the county or counties in which the charter schools facilities or facilities are located. So far, so good, we suppose. However, the bill would define “jurisdiction” for a nonclassroom-based charter school that does not have a facility as being the physical boundaries of the county or counties where at least 10 percent of the pupils who are enrolled in the charter school reside or, if at least 10 percent of the pupils do not reside in a single county, the county in which the greatest number of pupils who are enrolled In the charter school reside.

In other words, all nonclassroom-based charter schools, i.e., on-line charter schools, would be considered single-county agencies for purposes of the Political Reform Act, and, therefore, all such schools would be the code review and Form 700 filing officer responsibility of the county board of supervisors and clerk of the board, respectively.

This particular portion of the bill is strikingly similar to language the FPPC staff included in a proposed regulation in February/March of 2014. That effort was halted in large part we think, due to CACEO’s opposition.

CACEO *has a position of Oppose, Unless Amended* to remove the language that would make on-line charter schools single-county agencies for purposes of the PRA. If the bill were enacted as introduced, this would be the only instance where a multi-county agency would not be the responsibility of the Fair Political Practices Commission. This is in direct conflict with the PRA in Government Code Section 82011, which defines “code reviewing body” to mean the FPPC with respect to the conflict of interest code of any local government agency with jurisdiction in more than one county. That code section further specifies that the board of supervisors is the code reviewing body of a county agencies and any local government agency, other than a city agency, with jurisdiction wholly within the county.

In actually administering the bill, as currently written, code review and Form 700 filing officer responsibilities could, then, shift from county to county or between a county and the FPPC, depending upon shifts in enrollment data of an on-line charter school. This, in turn, would cause confusion among filers and would create problems in gaining compliance with the act because some filers would be unclear where they are to file the Form in any given year. It also would create problems and confusion for the public and for the media in trying to figure out whom to contact in order to review or obtain copies of the Form 700s of charter school officials. Furthermore, this scheme of responsibility would require filing officers to package up and ship anywhere up to seven years of Form 700s to a new filing officer if enrollment shifted sufficiently. Really silly.

*The sponsor of AB 1057*-- the California School Board Association (CSBA) -- *had indicated that it was likely they would accept our proposed amendments. However, they recently said that, due to other factors, they would not pursue the bill. However, we will continue to track the bill in case it is taken up next year.*

Status: *Assembly Education Committee*

CACEO Position: OPPOSE, UNLESS AMENDED

**AB 1157 (Nazarian) Property taxation: certificated aircraft assessment**

Under an agreement reached between and among county assessors and air carriers, the Legislature, in existing law until the 2015-16 fiscal year, specified a formula to determine the fair market value of certificated aircraft of a commercial air carrier, and rebuttably presumes that the amount determined pursuant to this formula is the fair market value of the aircraft. Existing law also requires, until December 31, 2015, “lead assessors” to calculate the value of each assigned air carrier’s certificated aircraft and to transmit these calculations to other assessors pursuant to a procedure set forth in the Revenue and Taxation Code. Existing law also requires, until December 31, 2015, the lead county assessor’s office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor’ office for each air carrier. These procedures and formula have greatly reduced the number of assessment appeals of certificated aircraft in counties with major airports for many years.

AB 1157 would extend the 2015-16 fiscal year termination date to the 2021-22 fiscal year, and would extend the December 31, 2015 inoperative or repeal date to December 31, 2021 for these provisions in the Revenue and Taxation Code. In other words, this bill would continue the status quo for five more years with respect to assessment methodology, including the rebuttable presumption of correctness.

*The bill was heard in Assembly Revenue and Taxation Committee on April 27. The author and committee chair indicated that the bill would be amended to only extend the sunset date one year, instead of five years.*

***At the hearing, a representative of the California Assessors’ Association stated that the association would work with industry representatives and other members of the opposition to develop bill amendments to overhaul the assessment appeal process for appeals of certificated aircraft in order to establish some sort of multi-county appeals board procedure for these assessments. CACEO’s COB Legislative Committee is considering whether to insert itself into the discussions to make sure that clerks are represented in the negotiations.***

*The bill will move to the Assembly Appropriations Committee where, at minimum, it will be amended to reflect a one-year extension of the sunset date.*

[See also SB 661 (Hill), a bill that would shift responsibility for certificated aircraft assessment to the State Board of Equalization.]

Status: *Awaiting hearing in Assembly Appropriations Committee*

CACEO Position: *PENDING*

***\*AB 1534 (Committee on Revenue and Taxation) Assessment analyst: certification***

*AB 1534 would prohibit a person from making decisions with regard to change in ownership as an employee of the state or of a county unless he or she holds a valid assessment analyst certificate issued by the State Board of Equalization.*

*Although the stated intent of the bill is to apply this requirement to employees of the State Board of Equalization and employees of the office of the county assessor, the actual language of the bill could be construed to apply to members of the county board of equalization, members of assessment appeals boards, and assessment hearing officers. CACEO has requested amendments to the bill to exempt these individuals, as has the State BOE. The sponsors of the bill have agreed to make the amendments.*

*Status: Assembly Appropriations Committee*

*CACEO Position: SEEK AMENDMENTS*

**SB 21 (Hill) Political Reform Act of 1974: gifts of travel**

This bill would require a nonprofit organization that makes travel payments for an elected state officer or local elected officeholder to disclose the names of the donors responsible for funding the payments. It would also require a person who receives a gift of travel payment from any source to report the travel destination on his or her Form 700.

Status: *Awaiting hearing in Senate Appropriations Committee*

CACEO Position: Watch

**SB 127 (Vidak) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014**

SB 127 would amend CEQA by adding Section 21168.6.7 to the Public Resources Code to require a public agency, in certifying the EIR and in granting approvals for water projects funded, in whole or in part, by Proposition 1, including the concurrent preparation of the record of proceedings and the certification of the record of proceedings within five days of the filing of a notice for the water project, to comply with the procedures required by the bill. Among other things, SB 127 would require a public hearing on the matter within 10 days before the close of the public comment period in order to receive testimony on the draft EIR. A transcript of the hearing shall be included as an appendix to the final EIR.

[See also AB 311 (Gallagher), a very similar bill that is limited to water storage projects.]

Status: *Awaiting hearing in Assembly Environmental Quality Committee*; double-referred to Assembly Judiciary Committee

CACEO Position: Watch

**SB 181(Committee on Governance and Finance) Validations**

This bill would enact the First Validating Act of 2015 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 182 (Committee on Governance and Finance) Validations**

This bill would enact the Second Validating Act of 2015 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 183 (Committee on Governance and Finance) Validations**

This bill would enact the Third Validating Act of 2015 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 184 (Committee on Governance and Finance) Local government: omnibus bill***

*Amended 4/16/15*

*The 2015 local government omnibus bill only contains a single, very minor provision in a Health and Safety Code section regarding the collection of sanitation and sewage services and facilities fees in which the word “clerk” is used to refer to the clerk of the legislative body who is tasked in existing law with filing with the county auditor a copy of a report that contains a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the year in question. As part of its ongoing program of clarifying the term “clerk” in California’s codes, CACEO will request that the term “clerk of the legislative body” be substituted for “clerk.”*

*CACEO is also attempting to amend the bill to make similar terminology changes to several sections of the Streets and Highways Code.*

*Status: Hearing in Senate Governance and Finance Committee April 29*

*CACEO Position: SEEK AMENDMENTS*

**SB 258 (Bates) Local government**

This spot bill would state the intent of the Legislature to enact legislation that would protect the right of the public to participate in open deliberations of the legislative bodies of local agencies by clarifying the appropriate use of special meetings.

*Since the spot bill amendment deadline has passed, it appears unlikely that this bill will proceed. However, we will continue to track it in case it is gutted and amended.*

Status: In Senate Rules Committee awaiting policy committee assignment

CACEO position: Watch

**\*SB 272 (Hertzberg) The California Public Records Act: local agencies: inventory**

*Amended 4/16/15*

*As amended, SB 272 now would add a section to the California Public Records Act to require each local agency, in implementing the CPRA, to create a catalog of enterprise systems, which are defined as “a system that is . . . a multidepartmental system or a system that contains information collected about the public” [and is] “a system of record.” “System of record” is defined as “a system that serves as an original source of data within an agency.”*

*The amended bill would further require that the catalog of enterprise systems disclose the current system vendor; the current system product; a brief statement of the system’s purpose; a general description of categories, modules, or layers of data (all undefined); the department that serves as the system’s primary custodian; how frequently system data is collected; and how frequently system data is updated.*

*SB 272 would also require that the catalog be made publicly available upon request in the office of the “clerk of the agency’s legislative body” (guess who?) and be posted in a prominent location on the agency’s Web site.*

*At its most recent meeting, the Clerk of the Board Legislative Committee of CACEO voted to take a position of “Concerns” on SB 272. The committee members expressed the following problems with the bill:*

* *Clerks believe the bill has no business being added to the CPRA. The CPRA deals with records; SB272 merely deals with a listing of data systems, which are not “records.” Amending the CPRA would create confusion and add a measure of conflict within the CPRA as to what constitutes an identifiable record.*
* *By virtue of its being included in the CPRA, SB 272 would create yet another unfunded mandate on local agencies (thanks to Prop 42).*
* *The bill needs further refinement and definition of several of the terms used in the bill.*
* *The bill should not specifically designate the clerk of the legislative body as the custodian of the catalog, particularly if, as would be likely, the clerk would have responsibility for compiling the catalog. SB 272 should be amended to allow the legislative body to designate the appropriate local official to compile and make the catalog available to the public.*

*CACEO will continue to work with other local government stakeholders and the author to appropriately amend the bill.*

*Clerks are strongly encouraged to persuade their counties to either oppose the bill, unless amended to address local agency concerns, or at least take a position of Concerns and to work to get the bill into an acceptable form. The bill has passed both the Senate Governance and Finance Committee and the Senate Judiciary Committee. It is now in the Appropriations Committee.*

Status: *Hearing in Senate Appropriations Committee May 4*

CACEO Position: *CONCERNS*

**\*SB 331 (Mendoza) *Public contracts: local agencies: negotiations***

*Amended 4/6/15 and 4/22/15*

*This spot bill, which originally dealt with transparency in local government was gutted and amended to establish a voluntary “civic openness in negotiations ordinance” or “COIN ordinance.” The bill would set forth a procedure to be followed when the local agency negotiates a contract for a collective bargaining contract under the Meyers-Milias-Brown Act or a contract for goods and services valued at $50,000 or more. The procedure would require a report of a closed session of a meeting of an agency’s governing body that exceeds a report of closed session under the Ralph M. Brown Act.*

*We are currently evaluating whether we should continue to track this bill, as it is not altogether clear whether the clerk of the board would play any role in implementation of the bill should his or her board of supervisors adopt a COIN ordinance.*

Status: *Hearing in Senate Governance and Finance Committee April 29*

CACEO Position: PENDING

***SB 348 (Galgiani) California Environmental Quality Act: exemption: railroad crossings***

*Amended 4/6/15*

*Existing law in CEQA exempts from its requirements railroad grade separation projects that eliminate existing grade crossings or that reconstruct existing grade separations.*

*SB 348, as amended April 6, would amend Public Resources Code Section 21080.13 to require that, whenever a local agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the local agency must file a notice to that effect with the state Office of Planning and Research and with the county clerk in each county in which the project will be located, thus, in those counties where the notice is made by the clerk of the board of supervisors, the clerk will need to be aware of this minor change in law.  (This is similar to provision in Section 21080.14 having to do with certain types of railroad grade crossings, so it is not entirely new, except to Section 21080.13.)*

*Status: Senate Second Reading File*

*CACEO Position: Watch*

**SB 371 (Hancock) *School districts: special taxes***

*Amended 4/6/15*

*This bill, which previously dealt with the make-up of the* *governing board of the San Francisco Bay Restoration Authority, was gutted and amended to now deal with school districts. As it is no longer of interest to clerks, we will drop the bill from future legislative status reports.*

Status: *Hearing in Senate Governance and Finance Committee May 6*

CACEO Position: *None*

**SB 480 (Pan) Taxation: qualified heavy equipment**

The state constitution authorizes the Legislature to classify personal property for differential taxation or for exemption by means of a statute approved by a 2/3 vote of the Legislature.

This bill would, on or after July 1, 2016, impose a tax on every qualified renter for the “privilege” of renting qualified heavy equipment in California at the rate of 0.75% of the rental price. The tax would be administered by the State Board of Equalization. Insofar as clerks of the board are concerned, it is expected that the effect of this bill would be to cause some small reduction in property tax appeals since this type of equipment would no longer be taxed as business personal property.

Status: *Senate Second Reading File*

CACEO Position: Watch

***SB 570 (Jackson) Personal information: privacy: breach***

*Amended 4/6/15*

*This bill appears to be of interest only to one unit in the office of the clerk in Los Angeles County.*

*Existing law under the Information Practices Act of 1977 requires, among others, a local agency that owns or licenses computerized data that includes personal information, as defined, to disclose a breach of the security of the system in accordance with procedures set forth in the act. Existing law requires the agency to issue a security breach notification to meet specific requirements of the act.*

*SB 570 would amend Civil Code Section 1798.29 to additionally require that the security breach notification include a one-page notice titled “Notice of Data Breach” and contain pertinent information under the headings “What Happened,” “What Information Was Involved,” “What We Are Doing,” “What You Can Do,” and “For More Information.”*

*Status: Hearing in Senate Judiciary Committee April 28*

*CACEO Position: None*

**\*SB 661 (Hill) Property taxation: state assessment: commercial air carrier personal property**

*Amended 4/13/15*

Under an agreement reached between and among county assessors and air carriers, the Legislature, in existing law until the 2015-16 fiscal year, specified a formula to be used by county assessors in determining the fair market value of certificated aircraft of a commercial air carrier, and rebuttably presumes that the amount determined pursuant to this formula is the fair market value of the aircraft. Existing law also requires, until December 31, 2015, “lead assessors” to calculate the value of each assigned air carrier’s certificated aircraft and to transmit these calculations to other assessors pursuant to a procedure set forth in the Revenue and Taxation Code. Existing law also requires, until December 31, 2015, the lead county assessor’s office to lead a team to audit the books and records of commercial air carriers and authorizes these air carriers to file a property statement solely with the lead county assessor’ office for each air carrier. These procedures and formula have greatly reduced the number of assessment appeals of certificated aircraft in counties with major airports for many years. Under existing law, appeals of assessments of certificated aircraft are filed with the county assessment appeals board.

SB 661 would, beginning with the lien date for the *2017-18* fiscal year and for each fiscal year thereafter, require the State Board of Equalization to assess personal property that is owned by a commercial air carrier *but using the formula currently used by county assessors*.

As currently written, responsibility for assessing all personal property of air carriers would shift to the BOE. However, the BOE staff in its analysis of the bill indicated that the BOE has the authority to only shift a portion of the personal property if it wanted to do so. Thus, the BOE could shift only certificated aircraft and leave the assessment of all other air carrier personal property with the county assessors.

Indirectly, then, the effect of this bill would be to shift the responsibility to receive and hear assessment appeals on air carrier personal property to the BOE. However, in its analysis of the bill, the BOE staff raised the possibility that, if the Legislature decided to leave assessment of certificated aircraft with the county assessor, under the constitution the Legislature could write legislation to create one or more assessment appeals board that would serve as the county board of equalization for certificated aircraft in each of the participating counties in order to address one of the criticisms of the current assessment scheme.

[See also AB 1157 (Nazarian) that would keep responsibility for the assessment of certificated aircraft at the county level and would simply extend the sunset date of the current assessment scheme for such aircraft.]

Status: *Hearing in Senate Appropriations Committee May 4*

CACEO Position: Watch

4/28/15

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