



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

NOTE: For city officials arriving early, please join us from 9 – 9:45 a.m for a **continental breakfast** at the League offices at 1400 K Street, 3rd floor, behind the Sacramento Convention Center

January 6, 2012

TO: Members: Public Safety Policy Committee

FROM: Jan Arbuckle, (Chair), Mayor, Grass Valley
Dorothy Holzem, League Staff (916) 658-8214

RE: **POLICY COMMITTEE MEETING**
DATE: **Friday, January 20, 2012**
TIME: **10:00 a.m. – 3:00 p.m.**
PLACE: **Sacramento Convention Center**
1400 J Street, Room 202
Sacramento, CA

Attached are the agenda and background materials for the upcoming policy committee meeting. If you plan to attend, and have not yet returned the attendance form, please contact Meg Desmond at mdesmond@cacities.org. Registration for this meeting is not required; however, your response will help us determine the meal count.

In addition, if you will be in town on Wednesday night, **please join us for a reception on January 18, 2012**, 6:00 – 7:15 p.m., at the Mayahuel Restaurant located at 1200 K Street (corner of 12th & K), Sacramento. Come network and mingle with new mayors and council members, state legislators, League Partner company representatives, League leadership and staff. Please RSVP to Emily Cole at 916.658.8283 or ecole@cacities.org with your name, title and city/organization.

Travel Informaton: Air transportation, shuttle service, driving directions, parking and hotel information are provided on the back of this letter.

We look forward to seeing you at our first meeting in 2012!

League of California Cities Policy Committee Meetings - January 19 – 20, 2012

(The League office is located directly behind the Convention Center.)

Meeting Locations: Sacramento Convention Center: 1400 J Street, Sacramento 95814 or
League of California Cities: 1400 K Street, Sacramento 95814

AIR TRANSPORTATION:

Low, refundable airfares are available through the Enhanced Local Government Airfare Program. The program requires that a city be pre-registered; check with your city's travel coordinator. This program is ticketless and includes Southwest, United and United Express. For city pairs, rates, or if your city has not yet registered, please check the League Web site at <http://www.cacities.org/travel> for details.

TRANSPORTATION FROM AIRPORT:

YOLOBUS information - <http://www.yolobus.com/m3.html> - 530/ 666-BUSS (2877)

Cost: \$2.00 each way; seniors (62+) /disabled, \$1.00

Travel time: The bus ride is approximately 20-30 minutes.

From the Airport. (Bus 42A)

Buses run every hour (at approximately 19 minutes past the hour). After departing plane, go to the island outside and locate Public Transit. This is where you will catch YOLOBUS

SUPERSHUTTLE (1-800-BLUE VAN): Upon arrival at the airport, claim your luggage then proceed to the **SuperShuttle** ground transportation booth. A representative will arrange SuperShuttle transportation to your destination. Reservations not required. **One-way ticket per person: \$13.00. Round trip ticket per person: \$26.00.**

Please note: Downtown hotels do not provide shuttle service from the airport.

CABS are quoted between \$30.00 to \$40.00 from airport to downtown.

RETURN TO AIRPORT: SuperShuttle (1-800-BLUE VAN) makes regular stops every 1/2 hour in front of these hotels, both within walking distance of the Convention Center:

Hyatt Sacramento - 1209 L Street, Sacramento - (916) 443-1234

Sheraton Grand -1230 J Street, Sacramento - (916) 447-1700

YOLOBUS: Back to Airport (Bus 42B) Pickup location: L & 13th Streets

Buses run every hour (at 5 minutes past the hour). The bus ride is approximately 20-30 minutes.

DRIVING DIRECTIONS:

Below are suggested driving directions to the Convention Center and may not be the most efficient route from your home. There are many websites which offer assistance with driving directions. Here are two that may be helpful: www.mapquest.com, and <http://maps.yahoo.com>.

From I-5: Exit "J" Street. The Convention Center is located on "J" Street (one-way) between 13th & 15th Streets.

From I-80 (West traveling East): Take I-5 North, then follow the above directions.

From I-80 (East traveling West): Take I-80 to Capitol City Freeway (right lanes), Exit 160 Downtown (right lanes). When freeway ends, merge to near left lane. Turn left on "J" Street, go 1 block.

From the South on Highway 99: Take 99 North to Business 80 West (Capitol City Freeway). Exit at 16th Street. Continue on 16th Street, and turn left on "I", then left on 13th Street.

PARKING: *(Allow time for parking; the downtown area is congested.)*

There are numerous public parking garages in the vicinity. Those **closest to the Convention Center** are located at 13th and "J" Streets - directly across from the Sheraton Grand Hotel and the Convention Center. From "J" Street (one way), turn left on 13th Street; entrances to the parking lots are on both the left and the right. The Hyatt Hotel has its own parking garage and valet parking. From "J" Street, turn right on 13th Street, then right on "L" Street. The parking garages **closest to the League offices** are on "K" Street next to the Capitol Garage, corner of 15th & "K" Streets (enter from K Street).

HOTELS:

Hyatt Sacramento, 1209 L Street, Sacramento (\$165 + taxes and fees) - Please contact Megan Dunn at mdunn@cacities.org for the online housing link to get the discounted League rate. This rate is not available by phone or at Hyatt.com. This venue is the Headquarter Hotel for the League's New Mayors & Council Members Academy from January 18 -20. **THE DISCOUNTED RATE WILL NOT BE AVAILABLE AFTER JANUARY 6, 2012.**

PUBLIC SAFETY POLICY COMMITTEE

Friday, January 20, 2012

10:00 a.m. – 3:00 p.m.

Sacramento Convention Center, 1400 J Street, Room 202, Sacramento

Note: For city officials arriving early, please join us from 9 – 9:45 a.m. for a continental breakfast at the League offices at 1400 K Street, 3rd floor (behind the convention center).

Individuals who wish to review the full text of bills included in this packet are encouraged to do so by visiting the League's website at www.cacities.org/billsearch. Be sure to review the most recent version of the bill.

A G E N D A

SPECIAL ORDER: State Budget and Redevelopment Briefing for all policy committee members, 10:00 – 10:45 a.m., Room 204, Sacramento Convention Center

Upon adjournment, individual policy committee meetings will begin

- I. Welcome and Introductions**
- II. Public Comment**
- III. Overview of Parliamentary Procedure** (*Handout*)
- IV. Committee Orientation** (*Attachment A*)
- V. Strategic Goals for 2012** (*Attachment B*)
- VI. Approval of Summary of Existing Policy & Guiding Principles** (*Attachment C*) (Action)
- VII. Committee Work Program**
 - 2011 Work Program: Status (*Attachment D*) (Informational)
 - 2012 Draft Work Program (*Attachment E*) (Action)
- VIII. Establishing Subcommittees or Working Groups**
- IX. League Partner Webinar Opportunities on Emergency Preparedness and Disaster Recovery**
- Speaker: Steve Gedestad, League Partners President; Executive Vice President, Keenan & Associates
- X. CalEMA Emergency Assistance for Disaster Recovery**
- Speaker: Mike Dayton, Acting Secretary, California Emergency Management Agency
- XI. Wireless Alerts and Warnings: PLAN (Personal Localized Alerting Network)/CMAS (Commercial Mobile Alert System)**
- XII. Constitutional Protections for Public Safety Realignment: 2012 Statewide Ballot Initiatives** (*Attachment F*) (Informational)
- XIII. State Legislative Update** (*Handout*) (Possible Action)
- XIV. Next Meeting: FRIDAY, March 30, 2012, Ontario DoubleTree Hotel**

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

NOTE: Policy committee members should be aware that lunch is usually served at these meetings. The state's Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials' statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). The League has been persistent, but unsuccessful, in attempting to change the FPPC's mind about this interpretation. As such, we feel we need to let you know about the issue so you can determine your course of action.

If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you can reimburse the League. The lunches tend to run in the \$30 to \$45 range. To review a copy of the FPPC's most recent letter on this issue, please go to www.cacities.org/FPPCletter on the League's Web site.



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HOW LEAGUE POLICY COMMITTEES WORK

January 2012

Policy Committee Subject Matter

The League has eight (8) policy committees, each with its own subject matter jurisdiction. You may refer to the “*Summary of Existing Policy and Guiding Principles*” booklet (*Summary*) to find the subject matter for each committee. This document will be updated in January 2012 and again in January 2014. Policy in the *Summary* is used to determine League legislative and regulatory positions. The *Summary*, in its entirety, is located on the League’s Web site at www.cacities.org/summary. Individual sections are located on each policy committee’s Web page, which are available at www.cacities.org/polcomm.

Policy Committee Legislative Agenda Items

League policy committees review bills or regulatory proposals on issues for which the League does not have existing policy, or for which staff members feel a policy discussion needs to occur for greater clarity or background on an issue. Staff will lobby legislation, funding proposals, or regulatory changes where existing policy provides clear direction.

Role and Responsibility of Committee Members

The strength of the League’s policy process and ability to effectively engage in the legislative process is based on the active involvement of and the expertise of city officials. We rely on your technical and policy knowledge, thoughtfulness, strategic thinking, and political savvy. Your role is to engage in thoughtful discussions at the meeting. Members should review the agenda and background material prior to the meetings, attend each meeting, and stay for the entire duration of the meeting.

Committee Recommendations on Positions on Bills

The committee’s actions or positions are a recommendation to the League Board of Directors for a formal League position. Possible committee recommendations can be:

- Support
- Oppose
- Support-if-amended (as appropriate, specific amendments may be requested)
- Oppose-unless-amended (as appropriate, specific amendments may be requested)
- No position
- Neutral

There are nuanced differences between some of these positions. For example, “*support-if-amended*” sends a very different message than “*oppose-unless-amended*.” Both positions might seek the same change but the support-if-amended position means that the League would be listed with the “supporters”

of the bill in most legislative analysis. In addition, “*no position*” and “*neutral*” have different meanings and require different actions from staff. Selection of one or the other depends in part upon what type of message or political posture the League needs to take. Staff will advise the committee about the implications of each on a case-by-case basis.

Approval by League Board Needed for All Committee Recommendations

All committee actions are recommendations to the League Board, which has the final say on all positions. Under no circumstances are individual committee members nor the committee itself authorized to speak on behalf of the League. When a committee action is supported by a large majority (e.g., 32 to 3), the recommendation is placed on the Board’s consent calendar. When the committee vote is split (e.g., 15-13), the item will be presented as an action item for the Board’s discussion. Staff will also provide information about the reasons behind the committee’s recommendation to the Board.

Most of the time, the Board adopts the recommendation of the policy committee. When the Board adopts a different position, staff will notify the committee members of the reason for the different position. This likely will be done in the next regular communication with the committee.

Some issues cut across more than one committee. When this occurs, staff will coordinate and bring a bill to more than one committee for review and recommendation. The recommendations are then forwarded to the League Board and if there is a different recommendation, the League Board resolves the difference.

Role of the Committee Chair

The chair’s role is to balance the often competing needs of the membership to have a full and thoughtful discussion on the issues within the very real time constraint. The chair will often limit debate – either in the number of speakers or the amount of time each speaker has – in order to ensure that we can move ahead on our agenda and cover the items included. We ask that when you make comments on issues before the committee that you be brief and concise and that you not repeat what has already been stated. Also, if you have already spoken on an issue, the chair may ask you to hold your comments until after new speakers are able to share their comments.

Committee Schedule and Process

Committees generally meet three times a year (January and June in Sacramento, March in Ontario), plus an abbreviated meeting at the Annual Conference (September in San Diego) to review resolutions if any are assigned to it. (The September meeting schedule will be announced in mid-July). Meetings begin at 10:00 a.m. and conclude by 3:00 p.m., although some subcommittees may meet at 9:00 a.m. Please plan to be present for the full duration of the committee meetings.

Agendas/Disseminating Information

A meeting notice is mailed to committee members about a month to six weeks in advance of the meeting, containing travel and logistical information. An agenda packet is mailed at least one week before a meeting and also sent via e-mail. **(Note: Following the January meeting, agenda packets will only be sent via email and posted online. If you prefer a hard copy of the agendas and highlights, please contact Meg Desmond by email: mdesmond@cacities.org or phone: 916-658-8224)** Highlights that summarize committee actions are prepared by staff and provided to committee members about two to three weeks after the meetings. All materials are also available on the League’s Website: www.cacities.org/polcomm.

We encourage you to visit the League’s Web site: www.cacities.org. In addition to containing committee materials, the Website contains information on the League’s priorities and a link to track individual bills

and the League's position on them. You should also subscribe to the League's electronic newsletter *CA Cities Advocate*.

For meetings that are heavy in legislative review (generally in March/April and June), staff will try to find a balance between getting the agenda packet out early and the need to delay finalizing the agenda packet in order to include as many legislative items as possible and in their most current version. At some meetings, staff may use a supplemental agenda for last minute legislative issues. We will use e-mail as appropriate to send out late-breaking information or to gather committee input throughout the year. It is important that we have your preferred e-mail.

How to Get an Item on the Agenda

Because staff prepares background material in advance of the meeting, and prepares the agenda in consultation with the Chair and Vice Chair, it is difficult to add items at the last minute. In addition, the League tries to comply with the spirit of the Brown Act in its meetings. If you wish to have the committee discuss an item, you should contact staff well in advance of the meeting in order to determine the feasibility of including it on the agenda, and if so, allow staff time to prepare the appropriate background material. Because of time constraints and a full work program before the committee, it may not always be possible to respond to such requests.

Issues Should Have Statewide Impact

Although some of you may represent your division, your department, your affiliate organization, or simply yourself, we should all keep in mind that the League must address issues of statewide impact and interest. Thus, while an issue or bill may be of interest to your city or region, if it does not have broader, statewide implications, the League likely will not engage in that policy discussion or take a position. You should keep this in mind if you wish to suggest an item for discussion.

Brown Act and Roberts Rules of Order

The League tries to comply with the spirit of the Brown Act. Thus, when the committee discusses items not already on the agenda (e.g., supplemental legislative agenda), the Chair will ask for a vote of approval to add that item to the agenda. The League also follows Roberts Rules of Order and provides a brief overview of key procedural steps in Roberts Rules as they apply to committees.

Staffing for Committee

Each committee has a staff lobbyist assigned to it. This individual is your main point of contact for logistics or questions about the agenda. Generally, each lobbyist has a "main" committee and will remain with the committee throughout the meeting. Occasionally he/she may leave the meeting to make guest appearances in other committees to discuss issues or bills. Additional staff may also be present to support the committee's work.

League Partners and Other Guests

The League Partners have a non-voting representative assigned to each policy committee and are seated at the table with other committee members. In addition, city officials, other members of the League Partners Program, and interested members of the public are welcome to attend the meetings. We provide an opportunity for our League Partners and other members of the public to offer comment on items before the committee during the designated public comment period on the agenda.



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2012 LEAGUE STRATEGIC GOALS¹

Support Sustainable and Secure Public Employee Pensions and Benefits.

Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

Promote Local Control for Strong Cities. Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

Build Strong Partnerships for a Stronger Golden State. Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity and responsiveness of our state government and intergovernmental system.

¹ Adopted by the League Board of Directors in San Diego, November 18, 2011

SUMMARY OF EXISTING POLICIES AND GUIDING PRINCIPLES

Update – 2012 DRAFT

Every two years, the League updates its “summary of Existing Policies and Guiding Principles” to reflect new League policy adopted during the past two years. The purpose of this update is *not* to develop new League policy or revisit existing League policy. The document provided indicates new policy adopted during the past two years in **bold underlining** or ~~**bold strikeouts**~~. This is new policy that has been adopted through Annual Conference Resolutions, League positions on bills approved by the League Board of Directors, or broad League policy approved by the League Board of Directors over the last two years.

Committee members should review the proposed update and consider whether it accurately reflects the actions taken by the policy committee (and League Board) over the last two years, and whether there are any missing policy items or errors in describing policy. Committee members who wish to propose new League policy or to revisit existing League policy should suggest that the issue be placed on an agenda for a future policy committee meeting, as opposed to attempting to modify the policy through this update.

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Public Safety

Scope of Responsibility

The Committee on Public Safety reviews federal and state legislation and issues related to law enforcement, fire and life safety policies, emergency communications, emergency services, disaster preparedness, Indian gaming, and ~~nuisance~~ nuisance abatement.

Summary of Existing Policy and Guiding Principles

Fire Services

- The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities’ authority and discretion to provide all emergency services to their communities.
- The League supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.
- The League supports legislation to provide a framework for a solution to long-standing conflict between cities, counties, the fire service and LEMSA’s, particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in

EMS system design and evaluation and if complainants are given a fair and open hearing.

- The League supports stored pressure dry chemical fire extinguishers to be serviced and recharged every six years or after each use, whichever occurs first. Additionally, the League supports requiring a licensed technician to perform the annual external maintenance examination of stored pressure dry chemical fire extinguishers.
- The League opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.
- The League supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.
- The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community, **and timely mutual aid reimbursement for disaster response services in other jurisdictions.**

Emergency Services

- The League supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource.
- The League supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. **The League also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility.**

Law Enforcement

- The League supports the promotion of public safety through:
 - Stiffer penalties for violent offenders, and
 - Protecting state **Citizens’ Option for Public Safety (COPS) and federal** Community Oriented Policing Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.
- The League opposes booking fees and continues to seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.
- The League supports a local government’s ability to double the fine for traffic violations in school zones in an attempt to reduce the speed of drivers and protect our youth.
- The League supports reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals, including the direct costs associated with processing and booking at the time of arrest.

- The League supports policies that promote a victim’s right to seek restitution, create restrictions on the early release of state inmates from incarceration for the purpose of alleviating overcrowding, and limit parole hearing opportunities for state inmates serving a life sentence or paroled inmates with a violation.
- The League supports parolee search and seizure terms, which aids local law enforcement’s ability to manage paroled offenders.
- The League supports increased penalties for metal theft, and recognizes that statewide regulation is needed to discourage “jurisdiction shopping”. The League also supports increased record-keeping and reporting requirements for junk dealers, including the collection of thumbprints from sellers.

Emergency Communications Interoperability

- The League supports activities to develop and implement statewide integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local, state and federal law enforcement, fire, emergency medical and other public safety agencies.

Wildland Urban Interface

- The League supports activities to cooperate, coordinate, and communicate in the development of better land use policies and wildland fuel management programs to decrease impacts to public health and safety resulting from wildland urban interface fires.

Nuisance Abatement

- The League supports enhanced local control over public nuisances including, but not limited to:
 - o Adult entertainment facilities;
 - o Problem alcohol establishments; and
 - o Properties where illegal drugs are sold.

Violence

- The League supports the reduction of violence through strategies that address gang violence, domestic violence, youth access to tools of violence, including but not limited to firearms, knives, etc., and those outlined in the California Police Chiefs Policy Paper endorsed by the League Board of Directors.
- The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Indian Gaming

- The League supports the following principles that are intended to balance tribal self-reliance with the local government mandate to protect the public health and safety.

- o Require an Indian Tribe that plans to construct or expand a casino or other related businesses to seek review and approval of the local jurisdiction for such improvements consistent with state law and local ordinances including the California Environmental Quality Act, with the Tribal government acting as the lead agency and with judicial review in the California courts.
- o Require mitigation of off-reservation impacts consistent with environmental protection laws that are at least as stringent as those of the surrounding local community and CEQA.
- o Require written agreements between tribes and affected local agencies to ensure tribes are subject to local authority related to the infrastructure needs and services outlined above.
- o Require adequate compensation from the tribes to the local agency providing the government services that are required by the tribal casino or related businesses.
- o Ensure compensation to local agencies from the Special Distribution Fund for off-reservation mitigation coupled with other sources to ensure adequate compensation.
- o Require a judicially enforceable agreement between tribes and local jurisdictions on all of these issues before a new compact or an extended compact may become effective.
- o Establish appropriate criteria and guidelines to address future compact negotiations.
- o The Governor should establish and follow appropriate criteria to guide discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by the Indian Gaming Regulatory Act (25 U.S.C. § 2719).

Alcohol

- The League supports policies that limit the ability of minors to engage in alcohol consumption, and limit youth access to alcoholic beverages, so long as related state-mandated programs or services provide for full reimbursement to all local agencies.
- The League supports local policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority.
- **The League supports additional penalties for repeat driving under the influence (DUI) offenders that include, but are not limited to, permanent revocation of an individuals' drivers license.**

Marijuana Regulation

- **Reaffirming that local control is paramount, the League holds that cities should have the authority to regulate medical marijuana dispensaries, cooperatives, collectives or other distribution points if the regulation relates to location, operation, or establishment to best suit the needs of the community.**
- **The League affirms that revenue or other financial benefits from creating a statewide tax structure on medical marijuana should be considered only after the public safety and health ramifications are fully evaluated.**
- **While the value of marijuana as a physical or mental health treatment option is uncertain, the League recognizes the need for proactive steps to mitigate the proliferation of unlawful medical marijuana dispensaries, cooperatives, collectives and other access points acting outside state or local regulation.**

- **The League opposes the legalization of marijuana cultivation and use for non-medical purposes until medical marijuana regulations are improved and conflicts between state and federal law are resolved.**

Graffiti

- The League endorses the “Tag You Lose” anti-graffiti campaign and encourages other cities to implement this program into their existing anti-graffiti programs.
- The League supports increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.

Sex Offender Management

- The League supports policies that will assist local law enforcement with the comprehensive and collaborative management of sex offenders, including tools for tracking the location of sex offenders within local jurisdictions, so long as state-mandated programs provide for full reimbursement to all local agencies.

Corrections

- **The League supports constitutional protections for state funded corrections realignment programs, so long as it includes funding for local police department needs. The League also supports increasing city representation and participation on the Community Corrections Partnerships, who are charged with developing local corrections plans.**

Miscellaneous

- **The League opposes reductions to city authority to regulate needle and syringe accessibility and exchange programs.**
- The League supports a single, efficient, performance-based state department (the California Emergency Management Agency) to be responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.
- The League asks any company manufacturing or marketing or planning to manufacture or market colored-tread tires in California to voluntarily abandon such a product line and thereby prevent the public safety, environmental and social problems these tires can potentially cause.
- The League warns those individuals who advocate or perpetrate hate, not to test the cities’ resolve to oppose them as each city is encouraged to vigorously pursue a course of investigation, apprehension, prosecution, conviction, and incarceration of all those who participate in hate crimes.

Note: The League will review new legislation to determine how it relates to existing League policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by the League during the previous two years, there may be new, evolving policies under consideration or adopted by the League that are not reflected in the current version of this document. However, all policies adopted by the League Board of Directors or the League’s General Assembly become League policy and are binding on the League, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”



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COMMITTEE ON PUBLIC SAFETY **2011 Work Program – Report**

1. LEAGUE 2011 STRATEGIC GOALS

The committee will focus on supporting the 2011 goals adopted by the League Board of Directors. The 2011 strategic goals include:

- **Strong Partnerships for a Stronger Golden State.** Collaborate and partner with other public and private groups and leaders to reform and revitalize the structure, governance, fiscal integrity and responsiveness of our state government and intergovernmental system.
- **Sustainable and Secure Public Pension Systems.** Work in partnership with other groups and stakeholders to promote sustainable and secure public pension systems to help ensure responsive and affordable public services for the people of our state and cities.

Note: Specifically, the committee will review impacts of varying pension benefits on public safety recruitment and retention, and recommend strategies that increase applicant numbers and retaining qualified officers.

- **Responsive and Accessible League Services.** Implement distance learning, meeting and other cost-effective strategies to deliver even more responsive and accessible League educational, information and advocacy services to the city officials of California.

The committee will also **focus on, or make recommendations to achieve, the following:**

1) CRIME PREVENTION

REVENUE SECURITY

- Revenue security for public safety services

UPDATE: The committee took action and recommended an oppose position on SB 530 (Wright) that would have creating revenue for COPS programs and other frontline law enforcement services through an additional fee on satellite cable providers. The committee voted to oppose this measure because of the weak nexus between the service and use of the fee revenues and also uncertainties about how much revenue would actually be available to cities continuously.

GANG VIOLENCE AND GRAFFITI

- Gang activity and youth violence reduction through enhanced law enforcement and education
- Impact of Mexican-based gangs and related organized crime on California's cities
- Grant resources devoted to anti-graffiti programs and other acts of public vandalism

UPDATE: In January, Ralph Womack, Peacekeeper Program Manager with the City of Stockton, presented an overview of their local program to reduce gang activity through innovative community-based

strategies funded by grants. This program won the League's Helen Putnam Award in 2010 in the public safety category. More information can be found online at: www.stocktongov.com/peacekeepers/index.cfm

ALCOHOL AND DRUG CONTROL/ REHABILITATION

- Local control for alcoholic beverage policies
- Local authority over medical marijuana dispensaries citing and operations
- Drug and alcohol rehabilitation programs, including group homes
- Social hosting policies

UPDATE: The League's Marijuana Regulation Working Group, comprised of members of all eight policy committees, including committee Vice-Chair Jan Arbuckle, and the League City Attorneys Department, met and made recommendations on legislation impacting medical marijuana, industrial hemp, and marijuana sales tax. The committee took action and recommended an oppose position for SB 676 (Leno) which would establish a pilot program to cultivate industrial hemp in four counties.

FIREARMS

- Firearms possession issues, including "open carry" policies

UPDATE: Staff monitored numerous bills, including Assembly Bill 144 (Portantino) but no action was sought from the committee.

2) CRIME MITIGATION & OFFENDER MANAGEMENT

CORRECTIONS REFORM

- Reform or realignment proposals for the California state prison and/or county jail systems
- Probation and parole jurisdiction or system-wide changes impacting local public safety and quality of life

UPDATE: Clark Kelso, Federal Health Receiver for the California State Prison system, reported to the Committee on the US Supreme Court case against California's overcrowding and mandated prisoner population targets. He also shared policy questions about California's trend to increase penalties, mainly prison time, but refusal to provide necessary funding required by penalty structure.

Matt Cate, Secretary for the California Department of Corrections and Rehabilitation, reported to the Committee twice this year on the status of corrections realignment and efforts to meet the US Supreme Court prison population requirements.

Committee members heard from city of Desert Hot Springs police chief Pat Williams and California Police Chiefs Association representative John Lovell on the pros and cons of the realignment program. The Committee made a recommendation to the Board of Directors oppose the realignment plan unless three conditions were met: 1) Direct funding for cities, including frontline law enforcement; 2) Greater city representation on the Community Corrections Partnership; and 3) Standardization of programming in each county for offender management. No action was taken by the Board on the recommendation at that time because the bill and related trailer bills in the FY 2010-11 Budget had already been signed into law.

The Committee took action at the League's Annual Conference on a resolution to provide constitutional protections for realignment funding that includes frontline law enforcement and also increases city representation on the Community Corrections Partnerships. The Committee recommended to support the measure, which was later adopted by the League's delegate assembly.

SEX OFFENDERS

- Issues and proposals regarding sex offender management, the Sexually Violent Predator Release Program, and recommendations from the California Sex Offender Management Board,

UPDATE: Greg Larson, League appointee to the California Sex Offender Management Board (CASOMB), reported to the Committee on recent activities and reports conducted by CASOMB. He will come back to the committee in 2012 to keep the members current on CASOMB and seek policy guidance as needed.

INDIAN GAMING

- Questions or concerns regarding proposals in accordance with League Existing Policy and Guiding Principles and in collaboration the committee liaison to the Tribal-City Governments Collaborative.

UPDATE: Based on existing policy, the League supported two bills related to joint-powers authority agreements between local governments and tribal agencies (AB 307, Nestande) and a distribution to cities and counties from the Special Distribution Fund (AB 1417, Hall). Because of existing League policy, no action was required by the Committee.

3) EMERGENCY/DISASTER RESPONSE & RECOVERY

EMERGENCY MEDICAL SERVICES

- Open and viable local emergency rooms to ensure timely treatment of residents from local communities, as closures mean ambulances must travel greater distances out of their jurisdiction to deliver patients to a receiving center.

DISASTER RESPONSE

- State-wide local government training programs, to include the following issues, led by the Emergency Preparedness/Homeland Security Subcommittee:
 - Current and proposed regional training events and “all-hazard” exercises
 - Status of SEMS / NIMS Training state-wide with emphasis relative to L.A. County Disaster Management Areas
 - Short / Mid-term plan to ensure cost-effective, accessible training and exercise programs for cities and counties
 - Response capabilities to events similar to 2011 Japanese earthquake/tsunami
- State budget as relates to significant cuts to the California Department of Forestry and Fire Protection (CALFIRE)

HOMELAND SECURITY

- State and federal homeland security policies and programs that address public safety concerns for California and other border states.

WILDLAND-URBAN INTERFACE

- Development of better land use policies and wildland fuel management programs to resolve issues associated with wildland-urban interface fires.
- Budget proposals impacting fire service response in State Responsibility Areas (SRAs) and realignment of responsibility to local jurisdictions.

UPDATE: In light of the Governor's budget proposal to shift SRA response duties to local agencies, the committee formed the Wildland-Urban Fire Response Subcommittee, who was charged with monitoring and recommending action on this and other items. The budget proposal was later dropped before further committee action was needed.

In June, the committee heard from a panel on disaster response that addressed both community awareness and readiness and also the Japanese earthquake/tsunami impacts on the Japanese nuclear power facilities and how a similar event would be played out in California. Panelists were representatives of the California Emergency Management Agency, Southern California Edison, and Community Emergency Response Teams (CERT).

TECHNOLOGY AND INTEROPERABILITY

- Increase and enhance public safety interoperability systems, including data sharing and the ability for multiple jurisdictions to communicate amongst each other.
- Improve communication exchanges between local and state information systems, including services provided by the California 2-1-1 telephone system.
- Monitor the development of the Secretary of California Technology and the duties they are assigned service and other duties with local government interface

UPDATE:

In January, Chief Reginald Chappelle with California Highway Patrol provided an update on the numerous technology and communications projects the CHP has undertaken to improve data sharing between jurisdictions and departments. Those programs included the E-citation project; Allied Agency Collision Reporting (AACR); CAD Replacement; and the CHPERS (CHP Enhanced Radio System) Project.

In June, Karen Wong, Deputy Director, Public Safety Communications Office, California Technology Agency, gave a presentation on "Next Generation 9-1-1," (NG911) the next evolution of the emergency call network.



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COMMITTEE ON PUBLIC SAFETY
2012 Work Program
DRAFT

1. LEAGUE 2012 STRATEGIC GOALS

The committee will focus on supporting the 2012 goals adopted by the League Board of Directors. The 2012 strategic goals are:

- **Support Sustainable and Secure Public Employee Pensions and Benefits.** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.
- **Promote Local Control for Strong Cities.** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.
- **Build Strong Partnerships for a Stronger Golden State.** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity and responsiveness of our state government and intergovernmental system.

January 6, 2012

To: Members League Committees on Revenue and Taxation Policy and Public Safety

From: Dan Carrigg, League Legislative Director

Re: Informational Item for Review: Ballot Initiatives Affecting Constitutional Protection for the 2011 Public Safety Realignment Programs

Attached is some background information on two recently filed initiatives that affect the recently-passed realignment legislation. As you know, the 2011 budget agreement contained measures which:

- ☒ Realigned numerous state responsibilities to counties, and made significant changes in public safety and corrections policy, but did not provide permanent and protected funding for those programs.
- ☒ Included funding for local COPS programs and allocations to county sheriffs to offset booking fees. Unfortunately, those, and other local public safety programs, were funded in part from a sweep of city vehicle license fees in SB 89. (*The League has filed litigation on the VLF sweep*).

The California State Association of Counties (CSAC), seeking constitutional protection for the revenues allocated to fund realignment, has filed “*The Local Taxpayers, Public Safety and Local Services Protection Act of 2012*.” This measure includes additional legal protections for local public safety funds including prohibiting funds from being shifted without a four-fifths legislative vote.

Several weeks later the Governor filed a ballot measure, *The Schools and Local Public Safety Protection Act of 2012*, which proposes various tax increases to address budget issues. It also contains similar, but less aggressive protections for realignment and public safety funding than the proposal submitted by CSAC.

In early January 2012, CSAC’s Board of Directors will be meeting to decide whether to support the Governor’s proposal or to continue to proceed with their measure. League staff will brief you on the latest developments on this topic.

From a city perspective, neither one of these measures are ideal. Neither one returns the shifted VLF funds to cities, nor provides additional funds to cities to address city impacts of public safety realignment.

This information is being provided to ensure that you have the most up-to-date information on this important topic. Given that CSAC had not yet decided which course to pursue, and the full scope of potential budget and ballot measures in 2012 has not yet been revealed or properly evaluated, the League is not seeking a formal position on either of these measures at this time. Positions on these and other ballot measures can be taken at a later date.

Ballot Initiatives Providing Constitutional Protection for the 2011 Public Safety Realignment Programs

Informational Item for Review by the
Revenue and Taxation Policy Committee and Public Safety Policy Committee
January 2011

Summary: Two recently submitted initiatives for the November 2012 seek voter approval to constitutionally protect the existing share of funding for the 2011 Public Safety Realignment programs. One sponsored by the California State Association of Counties (CSAC) and the other is sponsored by Governor Jerry Brown.

The CSAC sponsored initiative, *The Local Taxpayers, Public Safety and Local Services Protection Act of 2012*, would constitutionally protect and guarantee ongoing state funding to counties and local governments for the 2011 Public Safety Realignment and state subvention grants to local law enforcement, including Citizens' Option for Public Safety (COPS), booking fees, and various county-based programs. If enacted, 1) existing funds, comprised of a portion of the state sales tax and the vehicle license fee (VLF) revenues previously allocated to cities and the county of Orange, would be dedicated to realignment and subvention programs; 2) the legislature would be prohibited from increasing the cost of realignment without providing additional funding; 3) the legislature would be prohibited from reducing the dedicated sales tax unless the cost of the realigned program responsibilities are reduced or eliminated; and 4) only a four-fifths vote of the legislature could reduce or divert funding for the local law enforcement grants. Full text is available at:

[http://ag.ca.gov/cms_attachments/initiatives/pdfs/i1004_11-0061_a1ns_\(local_services_funding_protection\).pdf](http://ag.ca.gov/cms_attachments/initiatives/pdfs/i1004_11-0061_a1ns_(local_services_funding_protection).pdf).

The second initiative, sponsored by Governor Brown, is *The Schools and Local Public Safety Protection Act of 2012*. This would also provide constitutional protection to the current share of realignment funding, with some level of protection against additional costs imposed on counties. In addition, it would generate new revenue by increasing sales and excise taxes by one-half cent and raising income taxes on the wealthy on a sliding scale based on total taxable income.¹ These new revenues would be dedicated to, and guaranteed for, K-12 and community college education, for a total of approximately \$7 billion dollars in the first year. The increased tax rate would expire in June 2017, with total revenue collected estimated to reach \$35 billion over the five year period. In addition, this revenue would be counted as part of the General Fund, and therefore be part of the Prop 98 guarantee for schools. Full text is available at: http://ag.ca.gov/cms_attachments/initiatives/pdfs/i1035_11-0090.pdf

Background: The 2011 Public Safety Realignment program, through AB 109 and numerous trailer bills, was signed into law lacking protection against future diversion or reduction in funds, even though program responsibilities would remain with counties permanently. The major realignment stakeholders from local government and public safety had made much of their support for the realignment plans contingent on adequate, on-going funding. Governor Brown stated his support for establishing such protections but ultimately the final realignment program provided none. A side-by-side comparison is provided beginning on page 5 of this document.

The two measures are identical in some areas but also differ greatly in others. Areas of noted differences include:

- ✎ Definitions provided for “2011 Realignment”;
- ✎ Protections of realignment, COPS and booking fee subvention grant monies;
- ✎ How funds are directed from the state to the Local Revenue Fund;
- ✎ Coverage and reimbursement of additional costs incurred by counties under realignment;

¹ Personal income tax rate increases for single filers of 1 percent for income between \$250,000 and \$300,000, 1.5 percent for income between \$300,000 and \$500,000, and 2 percent for income above \$500,000. Joint filers follow the same scale but for higher amounts: \$340,000, \$408,000, and \$680,000.

- ⌘ Protections in case the legislature reduces or repeals sales tax or VLF rate.

In terms of similarities, both initiatives provide:

- ⌘ The state is not required to provide subvention of funds for mandate imposed by the state at request of a local agency or to comply with federal law;
- ⌘ Funds in County Local Revenue Fund must be spent to maintain state's eligibility for federal matching funds;
- ⌘ The state shall not submit to the federal government plans or waivers that increase costs without providing funding for cost increase;
- ⌘ The state pays for 50% of increased costs due to subsequent changes in the federal statutes or regulations relating to 2011 Realignment Legislation;
- ⌘ Should the state be involved in complaint in a federal judicial or administrative proceeding and the settlement imposes a cost or increases costs, then state must pay 50% of the nonfederal share;
- ⌘ Controller may perform audits of expenditures from the Local Revenue Fund and County Local Revenue Fund;
- ⌘ If the state sales tax rate or VLF rate are reduced or repealed, the state must provide alternative funding to make realignment program funding whole;
- ⌘ All state funds required to be allocated must be from funds other than property taxes, Social Services Subaccount of the Sales Tax Account in Local Revenue Fund;
- ⌘ Non-supplant protections for realignment public safety funding.

Finally, both initiatives lack any provisions for municipal frontline law enforcement, a direct city allocation for realignment impact mitigation, or a restoration of city and county of Orange VLF general purpose revenues.

Staff Recommendation: Discussion requested from staff because this is an informational item at this time. League protocol for reviewing ballot initiatives usually requires that the initiative first qualify for ballot placement in a scheduled election. However, staff is seeking feedback prior to the initiatives qualifying because constitutional protections for realignment and new tax rates will be a focal point in the FY 2011-12 budget negotiations.

Fiscal Impact: The CSAC initiative itself does not have a new fiscal impact since it constitutionally protects budget decisions made for the FY 2011-12 budget. There is no direct allocation to cities or frontline law enforcement beyond existing COPS grants.

Governor Brown's initiative also relies on the existing share of state sales tax to fund realignment. All additional revenues raised by the half-cent sales and use tax, and income tax, rate increases are directed to K-12 and community college purposes.

Existing League Policy: Relevant policies support League advocacy for sufficient funding for public services, including COPS funding. The policies support:

- ⌘ Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system to meet the requirements of a growing population and deteriorating services and facilities.
- ⌘ Allow every level of government to enjoy budgetary independence from programs and costs imposed by other levels of government.
- ⌘ Protecting Citizens Option for Public Safety (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

In September 2011, the League's delegate assembly convened at the Annual Conference voted to support fully funding the implementation of the corrections realignment, including local municipal police department needs

with constitutional protection of that funding, and also greater representation of city officials on the local Community Corrections Partnerships, which are tasked with developing the local corrections plans in each county.

Comments:

What Counts for Cities: Specific for cities, the most important item to note is what is missing from the initiatives. Neither provides for a direct allocation for city frontline law enforcement funding or other mitigation resources, nor do they reinstate the diverted VLF revenues. While cities would gain additional protections against future threats to COPS and booking fee subvention threats through the CSAC initiative, this would not necessarily be considered a “win” because cities are still missing \$130 million in VLF revenue, approximately 60% of which goes to law enforcement.

City Stakeholders Weigh-In: The California Police Chiefs Association and the League spoke with CSAC during the ballot drafting process to express concerns about the lack of frontline police funding, and the use of VLF shares to pay for subvention grants to local law enforcement. The request for “follow the offender” funding as an inmate left state prison or county jail and entered their local community was ultimately not included. CSAC cited it was because it would have required an additional share of the sales tax rate to meet these requests without interfering with the existing county share for realigned public safety, health and social service programs.

During this time, in a letter to CSAC the “Big Ten” Mayors noted that cities and counties must collaborate. They stressed that funding is important to cities which also need a guaranteed and protected funding stream to supplement counties’ work and ensure realignment succeeds. The Mayors encouraged CSAC to follow three guiding principles to develop its initiative.

- 1) Funding should “follow the offender” directly to public safety agencies that directly and indirectly oversee or apprehend parolees, as well as to cities and counties where law enforcement personnel must protect their communities from potential offenses by parolees.
- 2) The state should fund cities that are implementing data-driven, comprehensive gang prevention strategies that include evaluation outcomes and re-entry plans.
- 3) Funds should be provided to cities for supplemental services they will provide to assist in re-entry (i.e. housing, workforce development).

Difference in Definitions Could Mean Less Money for Local Agencies: The Governor’s measure provides a definition that is both broader and narrower than the CSAC initiative. The Governor provides less funding for realignment since new health and social services programs can be added after January 1, 2012, that will be funded with the same, existing funding sources. However, Governor’s measure is potentially narrower than the CSAC measure because it requires that the legislation be called “2011 Realignment” and that it provides for the assignment of public services responsibilities from the state to local agencies.

Difference in Protections for Local Funding, Including COPS: The Governor’s initiative is much less clear than the CSAC measure about use of funding for the COPS program. This is because the definition of “2011 Realignment Legislation” in the Governor’s initiative is not as explicit as the definition of in the CSAC measure. In addition, the CSAC measure restricts use of the funds to the specific list of 2011 Realignment Legislation (including the COPS program). The Governor’s measure restricts funds in the Local Revenue Fund for “Public Safety Services” and restricts funds in the County Local Revenue Fund for Public Safety Services as specified by 2011 Realignment Legislation. The restriction of the Local Revenue Fund is not related to realignment.

Official Support/Opposition: *(as of 12/9/11)*

CSAC Initiative:

Support: CSAC (sponsor), California State Sheriffs' Association, Chief Probation Officers of California.
Oppose: Unknown

Governor Brown's Initiative:

Support:

Oppose:

November 2012 Ballot Initiatives Providing Constitutional Protections for the 2011 Public Safety Realignment

Updated December 9, 2011

Sponsor	California State Association of Counties (CSAC)	Governor Edmund G. Brown, Jr.
Title	“The Local Taxpayers, Public Safety and Local Services Protection Act of 2012”	“The Schools and Local Public Safety Protection Act of 2012”
Findings and Declarations	<ul style="list-style-type: none"> ✧ In 2011 Legislative session, the State Legislature transferred the responsibility for a number of public services to counties and other local governments but did not provide a guaranteed source of ongoing funding to pay for these services. ✧ Intent of ballot measure to require State to transfer ongoing funding to pay for costs of services realigned in 2011. 	<ul style="list-style-type: none"> ✧ Ballot measure will make the tax system more equitable. ✧ New taxes are temporary – will end in 6 years; goes directly to local school districts and community colleges. ✧ Cities and counties guaranteed ongoing public safety funding.
Purpose	Requires the State to provide ongoing, guaranteed funding to counties and other local governments for cost of providing realigned services.	Protects schools and local public safety “by asking the wealthy to pay their fair share of taxes.” Provides constitutional protection to the shift of local public safety programs and the shift of state revenues to local governments to pay for these programs.
Definitions of Terms	<p>“2011 Realignment” term is defined as list of 10 bills and specific programs in the Welfare and Institutions Code, as enacted as of October 2011. This includes the state to county corrections realignment for low-level offenders, post-release supervision of state inmates who have completed their prison term, and the local supervision of state parolees. In addition, includes health, mental health, drug and other social services programs under county administration as of July 1, 2011.</p> <p>“Law Enforcement Subvention Programs” includes COPS, booking fee subventions to counties, and various rural sheriff, drug task force, and juvenile justice grants to counties.</p> <p>“Public Safety and Other Local Services” captures both these definitions.</p>	<p>The “2011 Realignment Legislation” term used does not list specific legislation or programs but provides for “Public Safety Services” that includes:</p> <ul style="list-style-type: none"> ✧ Employing and training public safety officials ✧ Managing local jails and providing housing, treatment, services, and supervision of juvenile and adult offenders. ✧ Services for preventing child abuse, neglect or exploitation; adoption and adult protective services. ✧ Mental health services to children and adults and services for substance abuse. <p>Definition also includes all legislation enacted <u>on or before September 30, 2012</u> as part of the realignment. However, bills enacted after January 1, 2012 may not include new programs except for the early periodic screening, diagnosis, and treatment program and mental health managed care.</p>

November 2012 Ballot Initiatives Providing Constitutional Protections for the 2011 Public Safety Realignment

Updated December 9, 2011

Funding and Protection Levels	Dedicates existing 1.0625% share of state sales and use tax plus VLF (less costs of administering the fund). Continuously appropriates to each County Local Revenue Fund exclusively to fund public Safety and other local services as defined and clearly includes COPS program. Requires no new funding source or tax rate.	Dedicates existing 1.0625% share of state sales and use tax plus VLF. Continuously appropriates to the state Local Revenue Fund 2011 to fund public safety services by local agencies. Money in each County Local Revenue Fund used exclusively to fund public safety services by local agencies as specified by the “2011 Realignment Legislation” definition. Additional revenue collected as a result of the increased reserved for education purposes. For five years beginning January 1, 2013, sales and excise taxes would be increased by one-half percent. Income taxes would be increased on income over \$250,000 on a sliding scale of total taxable income.
State Mandate Claims	Mandates imposed by the 2011 Realignment are not subject to state mandate reimbursement claims under Article XIII B, Section 6.	Mandates imposed by 2011 Realignment Legislation plus any costs imposed to comply with Brown Act in context of performing services under 2011 Realignment not subject to state mandate reimbursement claims under Article XIII B, Section 6.
Protection Against Future Additional Costs	Prohibits the Legislature from enacting legislation, and agencies from enacting regulations, after October 9, 2011, that increases costs to local agencies unless it includes additional ongoing funding. Any such legislation that does not provide funding is void. Local agencies are not required to provide programs or services if no allocation is provided. Local agencies will not be reimbursed for continuing to provide these services after state allocations cease.	Does not prohibit enactment of legislation or regulations that may increase costs without additional funding for local agencies. If legislation or regulations are enacted, they only apply to local agencies to the extent funding is provided. Local agencies will not be reimbursed for continuing to provide these services after state allocations cease.
Reduction of Program Responsibility	Legislature may reduce or eliminate one or more realigned programs and reduce funding accordingly in which case local agencies are no longer required to provide that service.	<i>Not addressed in this ballot initiative.</i>
Reducing rate or repealing sales tax/VLF	If Legislature reduces or repeals revenue from sales tax or VLF rate, and adopts an alternative source of revenue, then the new source of revenue is continuously appropriated to Local Revenue Fund. If the state does not adopt alternative revenue, then Controller transfers funds from the state General Fund. Property tax revenue cannot be used for this purpose.	State must provide moneys to Local Revenue Fund in an amount equal to amount of reduced revenues. Method for determining that amount will be described in legislation adopted after January 1, 2012. If no alternative is adopted, then Controller transfers funds from General Fund.

November 2012 Ballot Initiatives Providing Constitutional Protections for the 2011 Public Safety Realignment

Updated December 9, 2011

<p>Local Law Enforcement Grants (COPS, Booking Fee Subventions)</p>	<p>For the “Law Enforcement Subvention Programs” the legislature may reduce, eliminate, or reallocate the funding with a four-fifths super majority vote.</p>	<p>No additional protections for state subvention grants for local law enforcement programs.</p>
<p>Other Information</p>	<ul style="list-style-type: none"> ⌘ Local agencies may challenge a reduction in funding associated with a reduction or elimination of realignment duties. Should the court find in favor of the local agency, the Controller shall allocate the improperly reduced or unallocated funds. ⌘ Funds are continuously allocated to the County Local Revenue Fund, for allocation to Public Safety and Other Local Services (including COPS programs). 	<ul style="list-style-type: none"> ⌘ AG or local district attorney must expeditiously investigate and may seek civil or criminal penalties for misuse of moneys from County Local Revenue Fund 2011. No additional investigation authority granted to district attorney for misuses in state fund. ⌘ If a state or local agency fails to perform their duties under the 2011 Realignment, any appropriate party may seek judicial relief. ⌘ Provides if a competing ballot measure that also addresses income tax passes, the measure with the most votes wins. There are no provisions addressing competing realignment measures. ⌘ No mechanism for moving funds from the Local Revenue Fund to the County Local Revenue Fund for allocation for local services.