

CARPD COMMUNICATOR ARTICLE

On April 1st, the Legislature returned from Spring Recess and now the real fun and games begin. May 3rd is the deadline for fiscal bills to pass their respective policy committees; the first in a series of committee and floor deadlines facing hundreds of bills.

State Revenues Up for Second Month

As reported by the Department of Finance and State Controller, January's revenues were approximately \$5 billion above estimates. Most fiscal experts are not certain as to the cause of this significant increase in January revenues or if the trend will continue.

Well, the trend for February did, in fact, continue. The Department of Finance and the State Controller reported February revenues ahead of estimates by approximately \$4 billion. Most now believe the increase in high-wage earners income taxes as contained in the Governor's Proposition 30 passed by the voters last November is the reason as those higher income tax brackets were retroactive to January, 2012; and it appears many of the tax payers subject to the higher rates prepaid those amounts subject to 2012. The revenue estimates for March are due out shortly and we will know at that time if March revenues have stabilized or continued to increase.

Legislation

1. Assembly Bill 5(Ammiano): Relating to homelessness, AB 5 would enact the Homeless Person's Bill of Rights and Fairness Act and provides that *no person's rights, privileges, or access the public services may be denied or abridged because he/she is homeless, has a low income, or suffers from a mental illness or physical disability*. Assembly Bill 5 is so comprehensive in its application, the provisions clearly could require public and private facilities to remain open 24-hours to accommodate a homeless person, including facilities owned and operated by recreation and park districts. The bill is set for hearing on April 9th and we understand the author will be proposing amendments either before or during the hearing. CARPD is currently opposed to AB 5 and will review the author's amendments to determine if they remove their opposition;
2. Assembly Bill 25(Campos): Relating to social media, AB 25 would prohibit a public employer (identical provisions enacted last year for private employers) from requiring or requesting an employee or applicant for employment to disclose a username or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. CARPD is in Support of AB 25;
3. Assembly Bill 265(Gatto): Relating to limited liability for local agencies that own/operate dog parks. Assembly Member Gatto added special districts recently and, with that amendment, CARPD supports AB 65. On April 2nd, the Assembly Judiciary Committee passed AB 65 unanimously;

4. Assembly Bill 465(Maienschein): This bill would require the Department of Justice to provide a summary criminal history information to the director of a community youth athletics program, or his/her designee, for the purposes of screening volunteers or hired coaches and would prohibit a person from having access to minors as a coach or volunteer until the community youth athletics program has received and reviewed the summary criminal history information. The bill would further state that performing the required background check does not remove or limit the liability of a mandated reporter;
5. Assembly Bill 738(Harkey): This bill would provide that a public entity or an employee of a public entity acting within his/her official capacity is not liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway;
6. Assembly Bill 741(Brown): This bill proposed to shift county and special districts property tax increment to specified low property tax cities. The author has announced that AB 741 is now a 2-year bill and will not be considered this year;
7. Assembly Bill 792(Mullin): Relating to the Brown Act, AB 792 would, if a local agency is unable to post an agenda or notice on its Internet Website because of software or hardware impairment beyond the local agency's reasonable control, would require the local agency to post the agenda or notice immediately upon resolution of the technological problems. Further, the bill would provide that the delay in posting, or the failure to post, the agenda or notice would not preclude a local agency from conducting the meeting or taking action on items of business, provided the local agency has complied with all other relevant requirements;
8. Assembly Bill 1181(Gray): This bill would require local agencies to give reasonable time off, without loss of compensation or other benefits, to public agency employee representatives, when they are testifying or representing the employee organization in proceedings before the Public Employment Relations Board in matter relating to a charge filed by the employee organization against the public agency, or when they are testifying or representing the employee organization in other employment relations matters. The bill would further require the employee organization being represented to provide reasonable notification to the employer requesting the leave of absence;
9. Assembly Bill 1235(Gordon): Would require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency officials, except a member whose term of office ends before January 1, 2015, in local agency service as of January 1, 2014, or thereafter receive training in financial management. The bill also provides that if any entity develops criteria for the financial management training, then the State Treasurer's office and the State Controller's office shall be consulted regarding any proposed course content;
10. Assembly Bill 1325(Speaker Perez): Relates to extending the court imposed punishment for vandalism, currently community service not to exceed 300 hours over a period not to

exceed 240 days, to extend the period of time a person has to complete his/her imposed hours of community service from 240 days to one year;

11. Senate Constitutional Amendment No. 11(Hancock): Proposes to reduce the local vote to impose a special tax from two-thirds to 55%. As with all constitutional amendments, SCA No. 11 requires a two-thirds vote in each house of the Legislature to reach a statewide ballot.