

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

Prepared on: 04/24/01
Department Name: County Administrator
Department No.: 012
Agenda Date: 05/01/2001
Placement: Departmental
Estimate Time: 20 minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: Jim Laponis / Lori Norton
568-3421

SUBJECT: Legislative Program Committee Recommendations

Recommendations:

That the Board of Supervisors considers the following Legislative Program Committee recommendations:

- A. Support AB 1022 Pacheco. Supplemental Firefighting Services Fund.** AB 1022 would appropriate \$100,150,000 from the General Fund to the Controller for allocation as follows: \$90,000,000 to counties and cities, 10,000,000 to the Fire and Arson Training Fund for the purpose of the California Firefighter Joint Apprenticeship Training Program, and \$150,000 to the State Fire Marshal for purposes of data collection and reporting. AB 1022, to be known as the Firefighter Incident and Response Enhancement (FIRE) Act, is modeled after the COPS Program. **Note: AB 1022 as amended on April 16, 2001, does not contain any reference to compliance with SFPA Standard 1710.** (Attachment A)
- B. Support AB 70 Wright. Firefighting Equipment.** AB 70 would state the intent of the Legislature to appropriate \$25 million from the General Fund to the Office of Emergency Services for the thermal imaging equipment purchasing program. The goal of this program is to provide at least one thermal imaging unit for each fire station of every interested local and state agency. (Attachment B)
- C. Support AB 735(Chan) – Conflict of Interest – Children and Families Commissions.** AB 735 exempts contracts or grants, made by County Children and Families Commissions, from provisions of the Government Code that prohibit certain state and local officers and employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. The California Children and Families Association (County Commission Executive Directors) support AB 735. AB 735 is intended to clarify that a private party who is a member of a County Children and Families Commission may avoid 1090 (conflict of interest) problems by recusing himself or herself from decisions on contracts between the commission and an entity that employs or is represented by the member. (Attachment C)
- D. Watch AB 973 (Chan) Information Disclosure – Children and Families Commissions (“Commission”)** AB 973 would provide that specified information regarding a child or a child's parent, legal guardian, or other family member, that is provided to a Commission by specified persons shall be considered confidential, and shall not be disclosed by the Commission to any person, agency, or entity that is “unaffiliated with the Commission”, without the parent's or guardian's written consent, except to the extent disclosure is required by federal law. The bill is intended to address concerns that individuals may choose not to participate in Commission programs unless they are guaranteed confidentiality. AB 973 is sponsored by Alameda County, and is supported by the California

Children and Families Commission and Plumas County Children and Families Commission. To date, no opposition to the bill has been identified. Santa Barbara County Counsel has expressed concern about the breadth and vagueness of the term "unaffiliated with the commission", and has expressed a desire to understand whether county social service, health agencies, and law enforcement, are considered "affiliated" and if not what impact this bill would have on them. As such, the recommendation of the Committee is to watch this bill. (Attachment D)

E. Oppose SB 910 (Dunn) General Plans: Housing Elements. Existing Planning and Zoning Law requires the County to prepare and adopt a general plan, which shall include a housing element. The housing element identifies existing and projected housing needs and identifies adequate sites to meet the communities housing needs. The State Department of Housing and Community Development (HCD) is required to provide written findings as to whether or not a housing element substantially complies with law. SB 910 creates sanctions for local governments that fail to comply with state housing element law. Specifically, SB 910 would require the State Controller to reduce, by an increasing percentage (20%–60%), the monthly allocation of funds disbursed under various fuel tax laws to any city or county, unless the city or county has an adopted housing element that the HCD has found to be in substantial compliance. SB 910 is co-sponsored by the Job-Center Housing Coalition, California Rural Legal Assistance Foundation, and the Western Center on Law and Poverty. It has broad support from housing developers, affordable housing advocates, property management groups, unions, etc. CSAC and the League of California Cities are opposed to the bill on the grounds that it does not address the real issues that have resulted in the State's housing shortage, and seeks to penalize local governments for these problems that are beyond local controls. (Attachment E)

F. Support SB 691 (McPherson) Governmental Liability: Attorney's Fees. Except in limited, specific circumstances, existing law permits a court to award attorney's fees in favor of a public entity, when it is the successful party in an action resulting in the enforcement of an important right affecting public interest. SB 691 would permit a local governmental entity, if the entity is determined to be the prevailing party, to be awarded attorney's fees, in the case where an action is brought by the owner of a mobilehome park, to challenge the validity or application of an ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which regulates space rent or is otherwise intended to benefit or protect residents in the park, unless the court finds that the park owner had reasonable grounds to bring the litigation. (Attachment F)

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

On April 23, 2001, the Legislative Program Committee ("Committee") considered, and by unanimous vote, recommended the Board adopt the positions as identified above. The Committee membership is as follows: Fourth District Supervisor Joni Gray, Second District Supervisor Susan Rose, County Administrator Michael Brown, Auditor-Controller Robert Geis, and County Counsel Shane Stark. In addition, the Committee received a report on the current status of several bills previously considered by your Board. Following is a brief report on each of these bills:

SB 1 (Alpert) Rigs to Reefs - Cliff Berg, Governmental Advocates, advised the Committee that SB 1 would be considered by the Senate Natural Resources Committee on April 24, 2001. The County of Santa Barbara, City of Santa Barbara, and various environmental groups are now on record in opposition to the bill. Senator Alpert has advised Mr. Berg that she has incorporated almost all of the amendments recommended by the County of Santa Barbara, into the version of SB 1 to be considered on April 24, 2001. Although the County is appreciative of Senator Alpert's willingness to consider and incorporate our recommended amendments to improve the bill, the County remains opposed to its passage on the grounds that the bill is premature and that the effects of converting rigs to reefs should be understood prior to consideration of such a bill. **Note: SB 1 was considered, and passed by the Senate Natural Resources Committee on April 24. The final vote was 6 Ayes and 1 No. Two members of the Committee were absent.**

AB 1573 (Maldonado) Tideland Revenues. Cliff Berg advised the Committee that AB 1573, the County sponsored tideland revenue was considered and passed by the Assembly Natural Resources Committee on April 16th, by a vote of 11 ayes and 0 noes. AB 1573 was referred to the Assembly Appropriations Committee, who will hear the bill on May 2, 2001. Assemblymember Abel Maldonado, authored AB 1573 on our behalf, and we are very grateful for his continued efforts to enact this legislation.

SB 1049 (Speier) County Employees Retirement: Domestic Partners. As previously reported to the Board, staff is hopeful that SB 1049 (Speier) may be the legislative vehicle which will allow the County to implement the Board's desire to provide domestic partner survivorship benefits to County employees. Staff advised the Committee that as amended on March 27, 2001, AB 1049 (Attachment G) now conforms to the definition of "domestic partners" as provided in Family Code Section 297 which limits opposite sex domestic partners to those over the age of 62. The author included this provision to respond to the Governor's veto message last year in which he indicated he was unwilling to sign legislation which would expand the definition of domestic partner beyond the definition contained in Family Code Section 297. As discussed in the November 9, 2000 memorandum from County Counsel (Attachment H), staff is concerned that if retirement benefits were offered to only same sex domestic partners, it would violate another law. Government Code Section 12940 provides that it is an unlawful employment practice "to discriminate against a person in compensation or in terms, conditions, or privileges of employment" based on "sexual orientation.

At the conclusion of the discussion of SB 1049, the Committee directed staff to work with the author to amend the bill to include language that would exempt the bill from the provisions of Government Code Section 12940. This would allow the County to provide the benefits to only same sex domestic partners without violating the Government Code. The Committee also directed staff to request the author consider re-amending the bill to include all domestic partners. Staff will pursue both of these these options. Staff will also attempt to obtain the legislative counsel opinion related to this issue that was sought by both Senator O'Connell and Assemblymember Jackson, in November 2000.

Finally, Joni Gray, Chair of the Board of Supervisors, and staff provided a brief report on the CSAC Annual Legislative Conference. Staff will provide a brief report to the Board on May 1st.

Mandates and Service Levels:

The Legislative Program is not mandated and its service levels are discretionary.

Fiscal and Facilities Impacts:

The impacts are indicated in the informational material that is part of each recommended item.

- c: Cliff Berg, Governmental Advocates
- Jim Laponis, Deputy County Administrator
- Clare Macdonald, County Counsel
- Lori Norton, Analyst
- John Scherrei, Fire Chief
- John Patton, Planning and Development
- Steve Chase, Planning and Development
- Luis Perez, Planning and Development
- Pat Wheatley, Children and Families Commission