C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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AGENDA

The next meeting of the Legislative Committee will be as follows.

PLEASE NOTE THAT WE WILL BE MEETING AT 5:00 P.M. in the 2nd Floor Auditorium !!

Date: Thursday, February 9, 2006 – 5:00 p.m. to 7:00 p.m. (dinner will be served)

Place: San Mateo County Transit District Office[1]
1250 San Carlos Avenue
2nd Floor Auditorium
San Carlos, California

PLEASE CALL WALTER MARTONE (599-1465) IF YOU ARE UNABLE TO ATTEND.

1.	Selection of a temporary Chair for this meeting.	Action		5:00 p.m. 5 minutes
2.	Public comment on items not on the agenda.	Presentations are limited to 3 minutes.		5:05 p.m. 5 minutes.
3.	Update from C/CAG's Lobbyist in Sacramento (via conference call). • Infrastructure Bond • NPDES funding and ACA 13 • Housing and land use issues • Eminent Domain • Telecommunications reform • Other items A position may be taken on any legislation, including legislation not previously identified.	Potential Action (Wes Lujan)	Pages 1-16	5:10 p.m. 30 minutes

[1]From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking.

For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue.

4.	Transportation Infrastructure Bond	Potential Action (Napier)	Pages 17-47	5:40 p.m. 15 minutes
5.	Update on telecommunications and local control issue.	Potential Action (Brian Moura)		5:55 p.m. 15 minutes
6.	Sexual Predator legislation.	Potential Action (Martone)	Pages 49-60	6:10 p.m. 15 minutes
7.	All Mail ballot for the June 2006 Gubernatorial Primary.	Potential Action (Martone)	Pages 61-78	6:25 p.m. 15 minutes
8.	Bills that have been authored by the members of the San Mateo County State Legislative Delegation.	Potential Action (Martone)	Pages 79-138	6:40 p.m. 5 minutes
9.	Establish date and time for next meeting (March 9, 2006).	Action		6:45p.m. 5 minutes
10	Other Items/Comments from Guests.	Potential Action		6:50 p.m. 10 minutes
11	Adjournment.	Action		7:00 p.m.

NOTE: All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

Other enclosures/Correspondence

- None

C/CAG AGENDA REPORT

Date: February 9, 2006

To: City/County Association of Governments Legislative Committee

From: Richard Napier, C/CAG Executive Director

Subject: UPDATE FROM C/CAG'S LOBBYIST IN SACRAMENTO

A position may be taken on any legislation, including legislation not previously identified.

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee accept the attached report on State legislation and receive an oral update from Advocation.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Attached is a list of the bills that appear to be most related to the legislative priorities established by the C/CAG Board. C/CAG staff is also be tracking approximately 135 other bills that have subject matter consistent with C/CAG's legislative priorities. The Legislature reconvened on January 4, 2006.

As you have likely heard in the news, there is a great deal of momentum by the Governor and the Legislature to move forward with a massive State Infrastructure Bond. The only new money that is being proposed by the Governor is included in two $6 billion bonds – one in 2006 and the other in 2008. Caltrans has published on its website a preliminary list of projects that total the $12 billion. In San Mateo County there is one project listed which is a "Park and Ride/Ped-Bike" project in Pescadero for $1.3 million. San Mateo County represents approximately 2% of the State's population and therefore would be entitled to over $200 million if these funds were divided based on population share. C/CAG Staff and our Lobbyist have communicated to Caltrans our displeasure with this list of projects. They have indicated that the list will be reviewed and a new San Mateo County project may be included. The San Mateo Legislative Delegation has also been briefed on this issue and Senator Simitian has raised the issue at the Senate Transportation Committee.

C/CAG AGENDA REPORT

Date: February 9, 2006

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: Review and approval of C/CAG position on the Transportation Infrastructure Bond

(For further information or response to question's, contact Richard Napier at 650 599-1420)

Recommendation:

Review and approval of C/CAG position on the Transportation Infrastructure Bond in accordance with the Staff recommendation.

Fiscal Impact:

None to direct C/CAG budget. However, loss of opportunity for transportation funding from the bond $100-150M.

Background/ Discussion:

As you are aware the Governor has proposed significant funding for transportation. More details of the proposed bond are attached. The Governors proposal is SB 1165 by Senator Dutton and AB 1838 by Assembly Member Orpeza. In a broad context the Governors proposal is very positive. This includes funding, early payback and 100% protection of Proposition 42. Additionally two bonds of $6B each for a total of $12B are proposed. The bond specifies that the Administration and CTC would define the projects. Caltrans then released a Preliminary List of Projects to provide an indication of their approach on the projects. Unfortunately there was no project for San Mateo County other than a $1.3M Bike Trail on the coast at Mirada Surf. While this is disappointing it is important to keep in mind that this is a preliminary list.

The C/CAG and TA staff have been in discussion with Caltrans staff to address this issue. Caltrans District IV and Headquarters have been working with San Mateo to define a set of projects that meets the Caltrans congestion relief criteria. The basic Caltrans concept of using the Bond for the larger projects with the most congestion relief is a good one and should be supported. The following cooperative efforts are underway.

1- Joint C/CAG and Transportation Authority (TA) letters to Caltrans Director Will Kempton and to Senator Alan Lowenthal of the Senate Transportation Committee requesting San Mateo projects to be included. The first Senate Transportation Committee Hearing was held on 1/23/06.

2- Numerous discussions between C/CAG /TA staff and Caltrans Headquarters and District IV management to discuss potential options.
3- San Mateo has submitted two projects to Caltrans District IV that should meet the congestion relief criteria for their consideration. See attached.
4- Caltrans District IV and Headquarters are in the process of evaluating the projects against the congestion relief criteria.
5- Caltrans is also looking at what congestion relief project could also be funded with the SHOPPP. Most likely in the third Bond in 2012.

While no decisions have been made nor assurances provided, Caltrans staff have this under consideration.

Senator Perata submitted a Bond last year, SB 1024 that is still in play this year. It is a category based program instead of a project list. This approach is more in line with the principles adopted by the Metropolitan Transportation Commission (MTC).

The current lay of the land is the Governor wants a project list bond totally managed by Caltrans with little or no input from the locals, Region, and California Transportation Commission. Indications are that the legislature is opposed to this approach and prefers an approach that uses existing local, regional, and state planning (SB45) to select the best projects for the Bond. There is a good chance the final product will be more in line with the Legislatures approach. This would also probably be more beneficial to San Mateo County.

State Infrastructure Financing Package Principles:

The Congestion Management Agency (CMA) Directors have established a set of principles. See attached. Key aspects of the Principles are:

1- Eliminate the Proposition 42 suspension provision and prohibit loans.
2- Repay with interest previous loans.
3- Oppose the use of revenue bonds backed by existing transportation funding.
4- Use the SB 45 process for the selection of projects as opposed to giving Caltrans exclusive authority as proposed by the Governor.
5- Reward or incentive to Self-Help Counties.

Recommendation:

Staff recommends the following:

1- Approval of the State Infrastructure Financing Package Principles
2- Continue to pursue inclusion of the San Mateo projects in any Bond list.

Attachment:

- The Governor's Strategic Growth Plan: Overview and Reactions
- Legislative Analyst's Presentation to the Assembly Transportation Committee

- Governor's (Caltrans) proposed list of projects to be funded by the $12 billion bond.
- Joint C/CAG and TA letter to Honorable Alan Lowenthal, Chair Senate Transportation Committee, dated 1/23/06. Re: Transportation Funding and Proposed Infrastructure Bond
- San Mateo County Infrastructure Bond Principles

Alternatives:

1- Review and approval of C/CAG position on the Transportation Infrastructure Bond in accordance with the Staff recommendation.

2- Review and approval of C/CAG position on the Transportation Infrastructure Bond in accordance with the Staff recommendation with modifications.

3- No action.

Senate Transportation and Housing Committee
Informational Hearing
Senator Alan Lowenthal, Chairman

THE GOVERNOR'S STRATEGIC GROWTH PLAN: OVERVIEW AND REACTIONS

January 24, 2006
1:30 PM
State Capitol, Room 3191

BACKGROUND PAPER

INTRODUCTION

Both the Governor and the Legislature have made infrastructure investment a top priority for the 2006 legislative year. The Governor has proposed a "Strategic Growth Plan" that includes, among other things, $12 billion in general obligation bonds and $14 billion in revenue bonds for transportation, as well as numerous transportation program changes. Senate President Pro Tem Perata has authored SB 1024, the "Safe Facilities, Improved Mobility, and Clean Air Bond Act," a $13.125 billion general obligation bond (as proposed to be amended) to fund transportation, housing and levee infrastructure. In addition, Assembly Speaker Núñez has introduced AB 1783 which states the intent of the Legislature to submit general obligation bonds to voters for education, transportation, housing, resources, levee, and hospital infrastructure.

Although united in their focus on providing infrastructure funding, there are significant differences among the various proposals on the types of infrastructure that should be funded and the programmatic changes that should accompany the funding. The Senate Transportation and Housing Committee has been charged by the Senate leadership to consider the various proposals that relate to transportation and housing and to recommend both funding priorities and programmatic changes that should be included in a final bond package.

To fulfill this charge, the committee will hold a series of informational hearings to explore and discuss the competing proposals, using the Governor's Strategic Growth Plan, as provided in SB 1165 (Dutton), as the starting point. The first hearing will provide an overview of the Governor's proposals and general feedback from key stakeholders. Subsequent hearings will allow for more in depth review and debate of specific pieces of the Governor's proposal as well as comparisons with the proposals from the Senate Pro Tem and Assembly Speaker. The hearings will be as follows:

Tuesday, January 24	Presentation of Governor's proposal and general response from stakeholders
Tuesday, January 31	Differences in funding priorities among the various bond proposals
Tuesday, February 7	Transportation project selection process
Tuesday, February 21	Design-build, design-sequencing, and public-private partnerships
Tuesday, February 28	Emerging technologies for goods movement

THE GOVERNOR'S STRATEGIC GROWTH PLAN

The Governor has proposed a Strategic Growth Plan that seeks to address California's long-term infrastructure needs. The ten-year plan envisions a $107 billion investment in transportation facilities. According to the background materials the administration has distributed describing its plan, the transportation funds are derived from $47 billion in existing funding sources, $48 billion from anticipated new funding, and $12 billion from the Governor's general obligation bond proposal.

Since the ten-year program relies on both existing and new transportation funding to succeed, it is important to understand what assumptions go into these revenue estimates. For example, among the new transportation funding the administration is anticipating, $9 billion is from extended or new local sales tax measures dedicated to transportation purposes. These measures require a two-thirds voter approval. While some have been successful in recent years, only 13 of 53 such measures have successfully garnered the two-thirds vote threshold.

Similarly, the administration estimates that it will raise $14 billion from new toll facilities constructed in the next ten years. However, the administration has not submitted information on any specific project that would be included in this total.

Finally, the administration's estimate also counts as new funding sources revenues from the issuance of GARVEE bonds and revenue bonds backed by existing funds. GARVEE bonds, authorized under current law, are issued from existing federal gas tax receipts. The revenue bonds proposed in SB 1165 are backed by existing state gas tax and motor vehicle weight fee revenue.

The proposal also includes $12 billion in general obligation bonds for transportation purposes. These funds are indeed new funds for transportation, although they would be repaid with existing General Fund revenues.

Lastly, the Governor is proposing a constitutional amendment to permanently protect Proposition 42 funds for transportation and eliminate the option for future governors and legislatures to suspend the allocation. Such an amendment would ensure that funds currently dedicated for transportation are in fact available for that purpose.

SB 1165 (Dutton)

SB 1165 (Dutton) places before voters the Congestion Reduction, Clean Air, and Trade Corridor Bond Acts of 2006 ($6 billion) and 2008 ($6 billion). The bill additionally seeks legislative authority for the issuance of $14 billion in revenue bonds in 2012, backed by the excise tax on gasoline and motor vehicle weight fees. Finally, the bill proposes to make specified policy reforms to expand contracting authority for the department and local transportation agencies, and to authorize transportation entities, including the department, to build toll facilities and other revenue-generating projects with partners from the private sector.

General Obligation Bonds

SB 1165 places two general obligation transportation bond measures before the voters, one in 2006 and one in 2008. The bonds would fund a total of $12 billion in transportation infrastructure. The 2006 bond includes $6 billion to be allocated as follows:

- $1.7 billion to increase highway capacity.
- $1.3 billion for safety and preservation improvements to the state highway system.
- $1 billion for port improvements, mitigation related to programs and projects that reduce diesel emissions, and mitigation of other community impacts. A one-to-one match is required.
- $1 billion for goods movement infrastructure which will reduce related road congestion. A four-to-one match is required.
- $400 million for intercity rail expansion.
- $300 million for corridor mobility improvements.

- $200 million for Intelligent Transportation Systems.
- $100 million to expand park and ride opportunities and bicycle and pedestrian improvements.

The 2008 bond also includes $6 billion to be allocated as follows:

- $3.6 billion for highway projects that provide congestion relief and meet or exceed performance measures for improved corridor performance.
- $2 billion for goods movement infrastructure which will reduce related road congestion. A four-to-one match is required.
- $200 million for highway safety and preservation projects.
- $100 million for additional intercity rail expansion.
- $100 million to expand park and ride opportunities and bicycle and pedestrian improvements.

Revenue Bonds

Existing law, under Section 5 of Article XIX of the state constitution, authorizes the issuance of revenue bonds backed by up to 25% of the annual amount of gasoline excise tax and motor vehicle weight fee revenues that are deposited into the state highway account. The issuance of bonds against these revenues requires the approval of the state's voters, similar to the issuance of general obligation bonds. Gas tax funds may be used for the planning, construction, improvement, and operation of highways and for the planning, construction, and improvement (but not operation) of public mass transit guideways.

SB 1165 places before voters in 2012 a bond of up to $14 billion for state-selected street and highway projects. While technically a general obligation bond, these bonds would be repaid by diverting 25% of gas tax and weight fee revenues from the State Highway Account for at least the next 30 years, with an annual cap of $1.025 billion. Bond funds would be programmed solely by BTH and Caltrans and exclusively for public street and highway projects. Mass transit guideways would not be an eligible expenditure. Highway and transit projects proposed for funding would have to be included in a regional transportation plan, but regional priorities would not apply. In addition, the bond funds would be exempt from 60/40 Northern California/ Southern California split and the county allocation formulas.

Programmatic Changes

SB 1165 also includes a number of provisions that represent a departure from current practices for planning, prioritizing and funding transportation projects in California:

Project selection process. Under current law, state and federal transportation funds are programmed through the State Highway Operations and Preservation Program (SHOPP) and the State Transportation Improvement Program (STIP). The former represents safety and rehabilitation projects that do not increase capacity. The latter represents system expansion projects. Seventy-five percent of STIP funds are allocated to counties to be programmed by regional transportation planning agencies (RTPAs) for regional projects, and 25 percent is allocated to the state to be programmed by Caltrans for interregional projects. The county

allocations are subject to formulas that dedicate 60% of funds to 13 counties in Southern California and 40% to the remaining counties in Northern California. The amount that a county is allocated depends on both population size and the number of freeway miles in its jurisdiction. Counties nominate projects that they would like its RTPA to include in the regional transportation plan. Once regional priorities are established, the RTPA submits its plan to the California Transportation Commission (CTC), which may accept or reject the plan as a whole, but may not alter any portion of it.

The Governor's Strategic Growth Plan, as established in SB 1165, provides that the Secretary of the Business, Transportation and Housing Agency (BTH) and the Director of the Department of Transportation (Caltrans) shall propose, and the CTC shall adopt, guidelines for the review of projects and the allocation of funds. SB 1165 further states that BTH and Caltrans shall submit a list of projects for funding that are consistent with these guidelines. SB 1165 also provides that the Secretary of BTH and the Secretary of the Environmental Protection Agency (CalEPA) shall develop a trade infrastructure and goods movement action plan in which criteria for selecting projects related to goods movement infrastructure and port mitigation will be established, as well as a list of specific projects to be funded. SB 1165 requires the CTC to adopt these plans and guidelines no later than December 31, 2006.

Under the administration's proposal, the allocation of bond funds would also be exempt from the 60/40 Northern California/Southern California split and the county allocation formulas under the current STIP process. Instead, CTC shall adopt guidelines that include "consideration of a reasonable geographic balance at the system and project levels." Bond-funded projects relating to highway expansion and bicycle, pedestrian, and park and ride facilities must be included in a regional transportation plan. Projects under the remaining funding categories, however, do not have this requirement. Regions, as represented by RTPAs, may recommend substitute projects. BTH and Caltrans may select the substitute project if they determine that the project is more consistent with the adopted guidelines.

While the STIP process in current law provides an opportunity for regional agencies to program funds toward their highest priorities, SB 1165 would have state agencies select the projects for funding in all categories.

Design-Build Contracts. In traditional contracting for the construction of highway or public transit projects, work is divided into two separate phases: design and construction. The government agency designs the project or contracts with a private entity to do design. When designs are completed, the agency solicits bids from the construction industry and hires the responsible low bidder to build the project. Design-build combines these two phases into a single, comprehensive contract.

SB 1165 allows both Caltrans and local transportation entities to utilize design-build contracts for an unlimited number of projects. The bill further allows the contracting entity to award bids based either on the lowest responsible bid or best value. While the provisions are not subject to a sunset, the bill provides that each transportation entity that uses the design-build authority shall report to the relevant Senate and Assembly Committees within three years of awarding the contract.

Design-Sequencing Contracts. Design-sequencing is a method of contracting that enables each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be complete before commencing construction. Existing law allows Caltrans, until January 1, 2010, to enter into design-sequencing contracts for as many as twelve transportation projects.

SB 1165 allows Caltrans to enter into an additional four design-sequencing contracts beyond those authorized in current law before January 1, 2012.

Public-Private Partnerships. Existing law allowed Caltrans to enter into agreements by January 1, 2003 with private entities for the construction or lease of two public transportation demonstration projects.

SB 1165 allows Caltrans and regional transportation agencies to enter into an unlimited number of agreements with private entities or public-private consortia for the lease of transportation projects for as long as 99 years. Such projects might include new toll roads, new toll lanes on existing roads, dedicated truck toll lanes, dedicated bus and HOV lanes, charging tolls to single drivers on carpool lanes, and even private goods movement or mass transit facilities. Any such project would be owned by the state or the regional transportation agency and revert back to the state at no charge at the end of the lease, and the public entity may continue to collect tolls without limit.

The bill prohibits "non-compete clauses" in that it prohibits clauses in a lease that would infringe on the authority of public entities to develop, operate, or lease any transportation project. However, the lease agreement may provide for compensation to the lessee for adverse effects on toll revenues from improvements *other than* safety projects, incidental capacity increases, the addition of HOV lanes, projects outside the boundaries of the project, and generally for projects included in a regional transportation plan prior to December 31, 2005.

MAJOR ISSUES

The Governor's proposals raise a number of issues that the committee may wish to consider. First and foremost is whether the Governor's proposed allocation of bond funds represents the priorities of the Legislature. The committee may also wish to explore the major policy changes proposed by SB 1165.

1. Funding priorities. The Governor's transportation bonds are primarily focused on highway projects. Assuming that half of the goods movement dollars support highway projects, roughly $9 billion of the $12 billion in general obligation bonds and all of the $14 billion in revenue bonds would be dedicated to highway improvements. The bonds propose no additional funding for affordable housing, infill housing to reduce pressure on highways, high-speed rail, regional mass transit, and local streets and roads.

The committee may wish to consider what the highest priority state infrastructure expenditures are.

2. Who decides on project allocations? Under current law, most transportation capital funds are allocated through the State Transportation Improvement Program, which involves both state and regional transportation agencies in the project selection process. Moreover, existing STIP formulas assure each region and county a guaranteed amount of funding.

The Governor's Strategic Growth Plan exempts all the bond funds and future revenue bond funds from the STIP process and the regional and county share formulas. Instead, these funds would be programmed by the administration directly with little input from regional entities. The administration believes that it can design a more comprehensive and cost-effective program than would otherwise result from the STIP process. The administration will base its project selection on metrics that "reduce traffic congestion, increase throughput on the state's transportation system, vitalize the state's trade corridors, improve air quality and keep California's economy strong." However, these metrics and guidelines are yet to be designed and made public. While the administration has released a preliminary list of proposed projects to be funded by the bonds, it is not clear what criteria the administration would use to select projects and the extent to which regional priorities would be incorporated into the administration's plan.

The committee may wish to consider whether new bond funds are best programmed through a not-yet-public administration plan, through the existing STIP process, or through a revised STIP process.

3. Bonding future gas tax and weight fee revenues. The Governor proposes to bond 25% of the annual gas tax and weight fee revenues for a period of 30-35 years. The Governor is asking the Legislature to approve the proposal now even though it would not go before voters until 2012. The issuance of bonds against the existing stream of gasoline excise tax and motor vehicle weight fee revenues provides no "new" funding for transportation improvements. Instead, the proposal requires state highway account revenues now used on a pay-as-you-go basis for maintenance, rehabilitation and improvements on the state highway system to be used to pay the debt service on any bonds issued against those resources. According to the Legislative Analyst's Office (LAO), every $100 million financed costs about $185 million in principal and interest payments over the duration of the bond repayment period. **The committee may wish to consider whether it is prudent and appropriate to make this commitment now when future priorities may change.**

Moreover, the Governor's proposal would dedicate revenue bond funds exclusively for highway projects. Under current law, these funds would go to the state highway account for both highway and transit projects and provide money to cities and counties for local roads. As a result, the Governor's proposal would effectively redirect revenues from cities, counties, and transit to state-selected highway projects for at least 30 years. **The committee may wish to consider the implications of reducing long-term funding for cities, counties and other non-highway transportation needs in favor of highway projects.**

4. Design-build and design-sequencing. According to the Governor's budget, granting design-build and design-sequencing authority for transportation projects will result in savings of $1 billion over ten years. The administration has provided little data to support this claim. However, a 2005 Legislative Analyst's Office (LAO) analysis of design-build projects outside the transportation sphere showed design-build authority is no guarantee that projects will come in on time and at budget. The report stated:

> To date, experience in design-build by state and local agencies in California as well as the federal government has generally been positive. Nevertheless, the experience has been relatively recent and limited. As such, questions and issues remain in how design-build can best be implemented in the public sector.

Likewise, a just-released report from the LAO on the new federal transportation act responds to the greater design-build authority under federal law by stating:

> We recognize that there are potential benefits in using design-build to deliver projects. However, because of Caltrans' lack of experience, we recommend that the Legislature provide the department with the authority to use design-build contracting on a pilot basis subject to periodic review and oversight. Accordingly, we recommend that Caltrans be required to report periodically to the CTC and the Legislature on the timeliness of delivery, its process and methodology of contractor selection, and the results of peer review of contracts and projects delivered.

Opponents of design-build contracts argue that such authority may negatively impact smaller contractors, who may not have the capacity to undertake both design and construction components of a project, and public engineers.

Design-build and design-sequencing contracts are still experimental in the transportation realm. In fact, SB 1165 states that its intent is to provide the department with the authority to "demonstrate" and "explore" the value of utilizing the design-build contracting method. However, the bill provides much more than demonstration authority. The bill contains no limits on the department's authority to use design-build, nor does it provide much in the way of independent review of the department's use of such authority. **The committee may wish to consider whether Caltrans and local transportation entities have sufficient experience with design-build and design-sequencing contracting methods to justify the unlimited expansion of authority granted by this bill. To the extent the committee wishes to expand existing authority, the committee may wish to consider what parameters should be set for these contracts, if any.**

5. Public-private partnerships. The administration seeks unlimited authority to enter into agreements for private investment in transportation facilities. The administration believes that such public-private partnerships will bring in $14 billion in private investment for new facilities. However, no such projects have been identified, and it is not clear that the state will be able to generate the level of investment it predicts.

Moreover, California's history with private toll facilities is mixed. In 1989, the Legislature passed AB 680 (Baker), which authorized the department to enter into four separate lease agreements with private entities for the construction of toll facilities in this state. To date, 16 years later, only one such facility has been completed.

That facility, a ten-mile, two-lane toll road in the median of State Route 91 in Orange County has remained a controversial project. After only one profitable year between 1995 and 1999 and the inclusion of a "non-compete clause" in the lease agreement that challenged the department's ability to make improvements to the "public" portion of SR 91, the facility was sold to a public entity, the Orange County Transportation Authority (OCTA), in 2003.

The sale was concluded after the Legislature approved AB 1010 (Correa) in 2002, to provide the OCTA with the necessary authority to operate the toll facility until 2030, at which time tolls on the facility are to cease. AB 1010 also contained provisions that limited the department's authority to enter into new lease agreements with private sector partners. The bill reduced the number of lease-agreements the department was authorized to execute from four to just two. Furthermore, it prohibited the department from entering into any such agreements after January 1, 2003.

The committee may wish to consider whether the administration should have unlimited authority to permit private transportation facilities, as well as what types of impacts privately-owned and operated facilities may have on users.

LAO
65 YEARS OF SERVICE

January 30, 2006

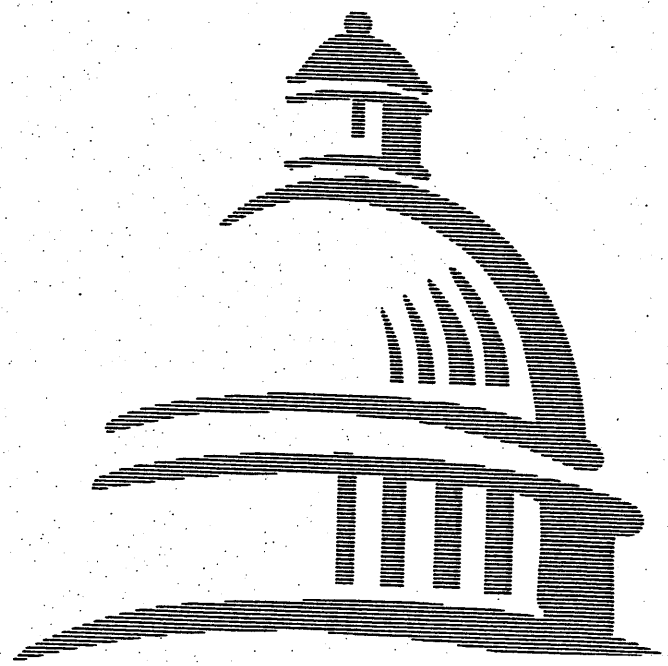
An Overview: Transportation Infrastructure Proposals and Their Financing

LEGISLATIVE ANALYST'S OFFICE

Presented To:

Assembly Transportation Committee

Hon. Jenny Oropeza, Chair



Addendum to Item 5.2

LAO
65 YEARS OF SERVICE

Systematic Infrastructure Steps

- ☑ Recognize program drives facilities/infrastructure, rather than facilities driving program
- ☑ Assign infrastructure responsibilities between the state and local government as well as private sector
- ☑ Consider actions that reduce demand for infrastructure
- ☑ Apply criteria to establish funding priorities
- ☑ Address practical considerations

LAO
65 YEARS OF SERVICE

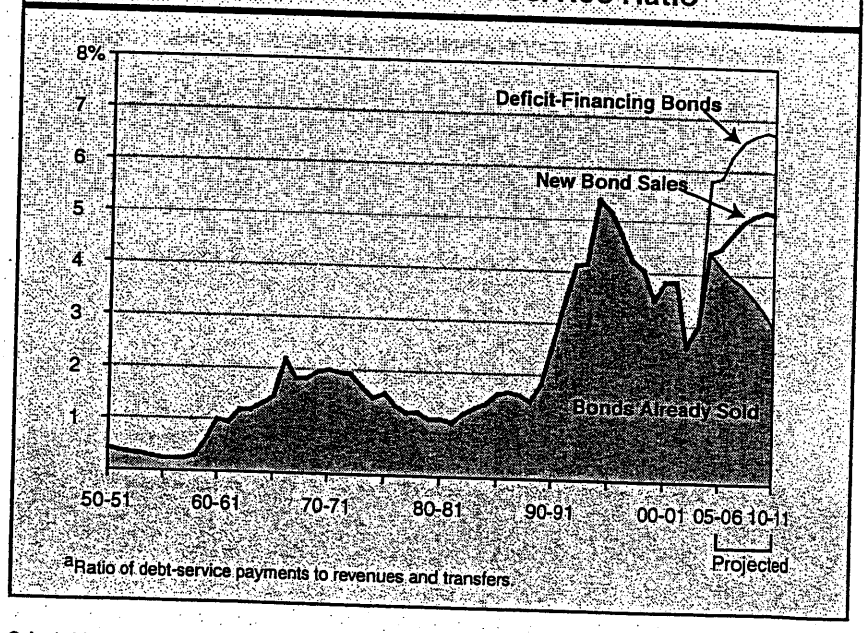
State's Debt Situation

- Once bonds are sold, the state makes debt-service payments, generally over 30 years, to investors. In the current year, such payments related to infrastructure bonds total $3.9 billion. In addition, the state makes payments to retire the deficit-financing bonds—these payments total $1.2 billion in the current year.

- Each $1 billion of new bonds sold currently adds close to $65 million annually for as long as 30 years to state debt-service costs.

- The debt-service ratio (DSR) compares these payments to annual General Fund revenues. In November, we estimated that the DSR would stand at 4.8 percent in 2006-07 for infrastructure bonds and 6.3 percent if the deficit-financing bonds are included. Over our forecast period we estimated the DSR would peak in 2009-10 at slightly over 5.2 percent for infrastructure bonds and 6.8 percent if the deficit-financing bonds are included, and decline slowly thereafter as outstanding bonds are retired and new sales occur (see figure below).

California's General Fund Debt-Service Ratio[a]



[a]Ratio of debt-service payments to revenues and transfers.

LAO
65 YEARS OF SERVICE

Types of Bonds

☑ ***General Fund-Supported***

- ***General Obligation***—Must be approved by the voters and their repayment is guaranteed by the state's taxing power. Most of these are directly paid for by the General Fund, although there are some that are paid off from designated revenue streams like veterans' mortgage payments.
- ***Lease Revenue***—Authorized by the Legislature. They are paid off from lease payments (primarily financed by the General Fund) by state agencies using the facilities they finance. Because these are not guaranteed, they have somewhat higher interest costs than general obligation bonds.

☑ ***Traditional Revenue Bonds***—Paid off by a designated revenue stream—usually generated by the projects they finance—such as bridge tolls, parking garage fees, or water contract payments. These bonds normally do not require voter approval.

LAO
65 YEARS OF SERVICE

How Much Debt Is Appropriate?

☑ **No Accepted Rule for How Much Debt Is Too Much**

☑ **Policy Choices Based On:**

- Infrastructure versus other spending.
- Borrowing versus pay-as-you-go.
- What level of taxes and charges are appropriate to fund infrastructure.

☑ **Marketability of Bonds**

- Investor confidence.
- Reasonable interest rates.

☑ **State's Bond Ratings**

- Investment grade ratings by three major rating agencies.
- Lowest of all states rated by these agencies.
- Ratings principally related to factors other than amount of debt outstanding—namely, budgetary imbalance.

☑ **Debt-Service Cap**

- Could interfere with optimal mix of spending.
- Could encourage less-than-optimal bond maturity structures.
- Could lead to distortions of General Fund revenues.

Governor's Strategic Growth Plan

(In Billions)

Program	Ten-Year Totals			
	General Obligation Bonds	Existing Sources	New Sources	Totals
Transportation/air quality	$12.0	$47.0	$48.0	$107.0
K-12	26.3	21.9	—	48.2
Higher education	11.7	—	—	11.7
Flood control and water supply	9.0	21.0	5.0	35.0
Public safety	6.8	5.1	5.5	17.4
Courts and others	2.2	0.7	0.4	3.3
Totals	**$68.0**	$95.7	$58.9	**$222.6**

- ☑ Proposed GO bond level for the coming decade is slightly below the amount of GO bonds approved by the voters over the last decade.
- ☑ About one-half of proposed funding related to transportation/air quality.
- ☑ About 43 percent of the funding would be provided from existing resources such as state and federal gas tax revenues.
- ☑ One of the larger new sources of funding for the plan, is $9 billion for transportation derived from extended or new local transportation sales tax measures. The 14 counties with pending measures for 2006 are highlighted on the next page.

LAO
65 YEARS OF SERVICE

Governor's Strategic Growth Plan: Local Transportation Sales Taxes

Counties With Pending Sales Tax Measures

County	2006 Ballot	Duration (In Years)	Amount
Fresno	November	20	½ cent
Kern	November	20	½ cent
Madera	November	20[a]	½ cent
Merced	June	30	½ cent
Monterey	June	14	½ cent
Napa	June	30	½ cent
Orange	June	30	½ cent
Placer	June	30	½ cent
San Joaquin	June	30	½ cent
Santa Barbara	June	30	½ cent
Santa Barbara	June	30	¼ cent
Santa Clara	June	30	½ cent
Solano	June	30	½ cent
Stanislaus	June	30	½ cent

[a] Duration not yet determined. May exceed 20 years.

☑ The following 17 counties have local transportation sales tax measures in effect:

Counties With Sales Tax Measures in Effect

County	Year Adopted	Expiration Year
Alameda	2000	2022
Contra Costa	2004	2034
Fresno	1986	2007
Imperial	1989	2009
Los Angeles	1980/1990	Permanent
Marin	2004	2025
Orange	1990	2011
Riverside	2002	2039
Sacramento	2004	2039
San Bernardino	2004	2040
San Diego	2004	2048
San Francisco	2003	2033
San Joaquin	1990	2011
San Mateo	2004	2034
Santa Barbara	1989	2009
Santa Clara	2000	2036
Sonoma	2004	2025

LAO
65 YEARS OF SERVICE

Governor's Strategic Growth Plan: Transportation/Air Quality Proposal

General Obligation Bonds (In Millions)

	2006 Bond Act	2008 Bond Act
Performance Improvement Projects	$1,700	$3,600
SHOPP Projects	1,300	200
Corridor Mobility Projects	300	—
Intelligent Transportation Systems	200	—
Intercity Rail Projects	400	100
Bicycle and Pedestrian Facilities	100	100
Port Mitigation	1,000	—
Trade/Goods Movement	1,000	2,000
Totals	**$6,000**	**$6,000**

Transportation Revenue Bond Act of 2012—$14 billion backed by existing state gas tax and weight fees—not exceeding $1.025 billion each year.

- ☑ Focus of bond funds mainly on *interregional* system, rather than regional priorities.
  - Exempts allocation of bond funds from statutory interregional/regional (25/75) split and county shares formula.
- ☑ Planning process is top down, rather than bottom up (which is existing law).
- ☑ Authorizes design build.
- ☑ Authorizes public/private partnerships with contracts up to 99 years.

LAO
65 YEARS OF SERVICE

Legislative Considerations on Transportation Proposal

- ☑ Should not abandon State Transportation Improvement Program planning and funding process.
- ☑ Continuous appropriation authority unwarranted/ accountability needed.
- ☑ Project costs, readiness, and funding mix warrant close scrutiny.
- ☑ Risk for matching bond funds—4-to-1 matching ratio (bonds to private investment) for $3 billion of the GO amount.
- ☑ Potential negative impact on highway maintenance—taking up to 25 percent of future gas tax and weight fee revenues "off the top" to pay for debt service potentially leaves insufficient funds for ongoing maintenance and rehabilitation.
- ☑ Transportation has generally been funded on a pay-as-you go basis. Since 1990, three transportation bonds have been adopted—two for passenger rail purposes, and one for seismic retrofit of state highway bridges.

Year	Measure	Amount
1990	Proposition 108—Passenger Rail and Clean Air Bond Act of 1990	$1 billion
	Proposition 116—Clean Air and Transportation Improvement Act	$1.99 billion
1996	Proposition 192—Seismic Retrofit Bond Act of 1996	$2 billion

1/13/2006

Governor's Strategic Growth Plan
GoCalifornia
$12 Billion Bond
Project Listing by Region
($ x 1,000)

	BAY AREA				
RP	Alameda/Contra Costa	24	Caldecott Tunnel	$	140,000
RP	Alameda	880	Corridor/op improvements		100,000
RP	Alameda		Inter-City Rail		15,100
	Alameda		Park-and-Ride/Ped-Bike		9,300
RP	Contra Costa	4	Widening		60,000
	Contra Costa		Park-and-Ride/Ped-Bike		200
	Marin		Park-and-Ride/Ped-Bike		23,400
RP	Napa	12	Widening		65,000
SHOPP	San Francisco	101	Doyle Drive		330,000
	San Mateo		Park-and-Ride/Ped-Bike		1,300
RP	Santa Clara	101	Construct lanes		150,000
	Solano		Park-and-Ride/Ped-Bike		4,000
RP	Solano	80/680/12	Construct I/C		300,000
RP	Sonoma	101	HOV lanes		60,000
	Sonoma		Park-and-Ride/Ped-Bike		9,000
	CMM/ITS*				150,000
				$	1,417,300
	SOUTHERN CALIFORNIA (Los Angeles/Orange)				
RP	Los Angeles	405	HOV lanes	$	350,000
RP	Los Angeles	5	Shoulder widening/Carmenita Rd		100,000
RP	Los Angeles	10	HOV lanes		280,000
	Los Angeles		Inter-City Rail		290,000
	Los Angeles		Park-and-Ride/Ped-Bike		39,660
RP	Orange	91	Corridor improvements		320,000
	CMM/ITS*				195,000
				$	1.574,660
	SOUTHERN CALIFORNIA (Inland Empire)				
RP	Riverside	215	Widening	$	265,000
	Riverside		Park-and-Ride/Ped-Bike		6,130
RP	San Bernardino	15	HOV/managed lanes		250,000
IR	San Bernardino	58			301,000
	San Bernardino		Park-and-Ride/Ped-Bike		70
	CMM/ITS*				65,000
				$	887,200
	SAN DIEGO AND IMPERIAL COUNTIES				
IR	Imperial	78	Brawley Bypass	$	51,000
RP	San Diego	5	HOV mixed flow, aux. lanes		250,000
RP	San Diego	15	Managed lanes		100,000
RP	San Diego	805/905	Corridor improvements/new fwy		110,000
	San Diego		Inter-City Rail		69,400
	San Diego		Park-and-Ride/Ped-Bike		19,940
	CMM/ITS*				70,000
				$	670,340
	CENTRAL VALLEY				
RP	Sacramento	5	HOV lanes	$	100,000
RP	Sacramento	80	HOV lanes		85,000
RP	Sacramento	50	HOV lanes		90,000
IR	Sacramento	99	SR 99/Elverta Rd I/C		15,000
	San Luis Obispo		Park and Ride/Ped.		4,300
IR	Sutter	99	SR/99/Riego Rd I/C		15,000
IR	Sutter	99	F.R. Bridge widening		47,000
IR	Yuba	70	4-Lane expressway		25,000
	Fresno, Kern, Madera, Merced, San Joaquin, Stanislaus, Tulare		SR 99 Corridor Enhancement Master Plan		1,000,000
	CMM/ITS*				20,000
				$	1,401,300

* Congestion Mobility Management/Intelligent Transportation System

1/19/2006

	CENTRAL COAST				
IR	Monterey	156	4-lane expressway	$	65,000
IR	San Benito	156	4-lane expressway		60,000
IR	San Luis Obispo	46/41	Widening		25,000
RP	Santa Barbara/Ventura	101	Widening		80,000
				$	230,000
	NORTH STATE, MOUNTAIN, AND EASTERN SIERRA				
RP	Butte	70	4-lane expressway	$	20,000
RP	Butte	70	4-lane expressway		25,000
	Del Norte		Park-and-Ride/Ped-Bike		600
	El Dorado		Park-and-Ride/Ped-Bike		9,300
	Humboldt		Park-and-Ride/Ped-Bike		500
	Inyo		Park-and-Ride/Ped-Bike		1,000
RP	Mendocino	101	Willits Bypass		130,000
RP	Mendocino	101	Hopland Bypass		50,000
	Mendocino		Park-and-Ride/Ped-Bike		3,000
	Placer		Park-and-Ride/Ped-Bike		7,200
RP	Shasta/Trinity	299	Buckhorn		146,000
RP	Shasta	5	Widening		50,000
RP	Shasta	44	Annex lanes		20,000
	Shasta		Park-and-Ride/Ped-Bike		2,900
	Tehama		Park-and-Ride/Ped-Bike		1,800
	Trinity		Park-and-Ride/Ped-Bike		1,000
				$	468,300
	Sub-Total			$	6,649,100
	STATEWIDE PROGRAMS				
	Trade Infrastructure		Goods Movement		3,000,000
	Air Quality Improvements - Port Mitigations		Goods Movement		1,000,000
	Intercity Rail		Rolling Stock		125,000
	SHOPP		Safety & Preservation		1,500,000 **
	Park-and-Ride/Ped-Bike		Local & Regional Routes		50,000
	Park-and-Ride/Ped-Bike		Various		5,400
	TOTAL			**$**	**12,000,000** = **$12 Billion Bond**

** Includes $330,000 already shown for Doyle Drive in San Francisco

* Congestion Mobility Management/Intelligent Transportation System

1/19/2006

SAN MATEO COUNTY
Transportation Authority

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

January 23, 2006

Honorable Alan Lowenthal, Chairman
and Honorable Members of the
Senate Transportation and Housing Committee
State Capitol, Room 2209
Sacramento, CA 95814

Re: Transportation Funding and Proposed Infrastructure Bond

Dear Chairman Lowenthal:

The City/ County Association of Governments of San Mateo County (C/CAG) is the Congestion Management Agency for San Mateo County (C/CAG) and the San Mateo County Transportation Authority (TA) is the local sales tax agency. In these roles C/CAG and the TA have worked closely with Caltrans to jointly address the highest priority State Highway needs in San Mateo County. Both the Administration and the Legislature are to be commended for their leadership to address the transportation infrastructure needs.

It is critical that **Proposition 42 be 100% protected** as proposed by the Administration. The need was clearly demonstrated over the past few years by the lack of State funding for transportation when Proposition 42 Funds were diverted.

C/CAG and the TA support an infrastructure bond for transportation to provide funding for both Highway and Transit Projects that reflects the high priority projects and provides congestion relief. However, it is critical that local transportation planning for San Mateo County, through C/CAG and the TA, should have a role in the selection of the projects.

Overall the Administration's proposal is a step in the right direction. However, there are some issues on aspects of the proposal. These issues have been communicated to Caltrans.

1- Lack of State investment in San Mateo County - As a self-help County, San Mateo has made a significant investment in the State Highway System including the approval of ramp metering. It is critical that the State does its part in San Mateo County. Located between San Francisco and Santa Clara Counties over two - thirds of the traffic on Highway 101 goes to and from the other Counties. During commute hours a significant portion of Highway 101 is Level of Service F with significant vehicle hours of delay. By any reasonable transportation or population measure San Mateo County would merit a project in the infrastructure Bond.

2- Too Little Investment in Transit - $700M or 5.8% of the Bond. This does not recognize the needs of transit and the expanding role it needs to play in future

mobility for Californians.

3- Limited local input on the selection of the projects - There was minimal involvement of local, regional, and state transportation planning agencies in the selection of the projects.

C/CAG and the TA would request that the Committee consider the following to address these issues.

1- **Proposition 42 be 100% protected** as proposed by the Administration.

2- San Mateo Projects - That any **project list include the following projects for San Mateo County.** See the attached detailed project descriptions.

Highway 101($100M) - The project will widen Highway 101 by adding auxiliary lanes in each direction from Marsh Road in Atherton/Redwood City/Menlo Park (San Mateo County) to Embarcadero Road in Palo Alto (Santa Clara County), and make Intelligent Transportation System (ITS) improvements along this stretch of the roadway. This section of Highway 101 has gone from Level of Service D to F since 1995. The project should result in up to 7,100 hours reduced travel time/ day.

Rail Operational Improvements ($100M) - This project will encompass capital and operational improvements for the Caltrain commuter rail service between San Francisco and San Jose. The project would include the construction of passing tracks, rehabilitation and improvement of stations, installation of upgraded switches and signals, bridge work, and acquisition of additional rolling stock to support the implementation of additional express service between key origins and destinations along the Caltrain corridor. Some of the projects would also be beneficial to the Capitol Corridor, and ACE Inter-Regional Rail service that also utilize portions of the Caltrain right of way. This project would be beneficial to both local and inter-regional rail.

3- **Process to select Bond projects** - The existing local, regional, and state planning and programming process specified in current law should be used to select the best candidate projects for the bond funding. The Bond should be set up as a separate program with specific guidelines that uses the State Transportation Improvement Program (STIP) process.

C/CAG and the TA appreciate the Senate Transportation Committee consideration of these issues and are committed to working with you to address the transportation infrastructure issues facing the state. San Mateo County is clearly an urban county that has significant traffic issues that need to be addressed and has worked cooperatively with Caltrans. It would be short sighted to not include any significant San Mateo County priority projects in the bond. If there are any questions please contact Richard Napier at 650 599-1420.

Sincerely,

Richard Napier
Executive Director

Michael J. Scanlon
Executive Director, SMCTA

Attachments

PROPOSED SAN MATEO COUNTY TRANSPORTATION PROJECTS FOR THE GOVERNOR'S STRATEGIC GROWTH PLAN

HIGHWAY PROJECT

Highway 101 north and south bound from Marsh Road to Santa Clara County Line: This project will provide significant congestion relief resulting in reduced travel on Highway 101. The project will widen Highway 101 by adding auxiliary lanes in each direction from Marsh Road in Atherton/Redwood City/Menlo Park (San Mateo County) to Embarcadero Road in Palo Alto (Santa Clara County), and Intelligent Transportation System (ITS) improvements along this stretch of the roadway.

This project is currently included in the Metropolitan Transportation Commission's Regional Transportation Plan. A Project Study Report (PSR) was recently approved and construction could begin Fall 2010 if full funding can be identified. Construction will take approximately 2 years. The total cost of the project was estimated in the PSR to be one hundred and five million, eight hundred thousand dollars ($105.8 million), of which nine (9) million has already been designated in the State Transportation Improvement Program (STIP).

The Bay Area region as a whole experienced a 4% increase in vehicle hours of delay between 2003 and 2004. During the same period of time San Mateo County had a 31% increase in vehicle hours of delay. The Countywide Transportation Plan produced by the City/County Association of Governments of San Mateo County (C/CAG), which is the Congestion Management Agency, and the Strategic Plan produced by the San Mateo County Transportation Authority for its half cent transportation sales tax program, have documented the Highway 101 Auxiliary Lane Program as most effective way to improve travel times and reduce traffic congestion in this corridor that links San Francisco and Santa Clara County's Silicon Valley.

Project Boundary: Highway 101 in both directions from Marsh Rd. to Embarcadero Rd.

Project Scope: Auxiliary lanes and Intelligent Transportation System improvements

Estimated Cost: $105.8 million

Current Status: PSR completed

Project Benefits: Completion of the 101 Auxiliary Lane Corridor Project that will result in the following:

- 7,100 hours reduced travel time/day
- $40 million/year in productivity
- 5,600 gallons/day of fuel saved
- 12% reduction carbon monoxide, nitrogen oxides, and volatile organic
- 20 % reduction in accident

Bond Funding Requested: $96.8 million

PROPOSED CALTRAIN PROJECT FOR THE GOVERNOR'S STRATEGIC GROWTH PLAN

TRANSIT PROJECT

Caltrain Express Service Improvements: This project will encompass capital and operational improvements for the Caltrain commuter rail service between San Francisco and San Jose. The project would include the construction of passing tracks, rehabilitation and improvement of stations, installation of upgraded switches and signals, bridge work, and acquisition of additional rolling stock to support the implementation of additional express service between key origins and destinations along the Caltrain corridor. This project is currently included in the Metropolitan Transportation Commission's Regional Transportation Plan, adopted in 2005. The project is also a component of MTC's "Resolution 3434" Regional Transit Expansion Program for the Bay Area.

The Caltrain Short-Range Transit Plan estimates that the cost of total cost of the project is $482 million in 2004 dollars. MTC's Regional Transportation Plan identified a project funding shortfall of $92 million in 2004 dollars, after accounting for expected revenues from existing federal, state, and local sources. Accounting for inflation in the intervening years, we would request $97 million to cover this shortfall through any state-authorized infrastructure bond.

Caltrain has experienced a 29% increase in ridership since the introduction of the "Baby Bullet" express service in June 2003, and added additional express service in August 2004. The surge in ridership has enabled to system to achieve increased revenue while providing Bay Area commuters an alternative to the growing congestion on Highway 101, which parallels the rail corridor.

Bond Funding Requested: $97 million

SAN MATEO COUNTY
INFRASTRUCTURE BOND PRINCIPLES

INCLUDE PROJECT FOR SAN MATEO COUNTY IN ANY LIST

Highway 101 Auxiliary Lane Project from Marsh Road to Embarcadero Road - $100M

Caltrain Rail Improvements - $100M

PROCESS TO INCLUDE LEGISLATURE:

- Population based distribution of funding for each county.
- Special allocation for rural counties.
- Projects to be selected should meet pre-determined performance criteria.
- Legislative delegation for each county proposes the project(s) to be identified in the bond (s) from each county.

AS AN ALTERNATIVE

Utilize the existing local, regional and state planning and programming process specified in current law (SB45) for selecting the best candidate projects for bond funding. Projects are proposed by local agencies and final approval rests with the California Transportation Commission (CTC).

NO BOND AGAINST GAS TAX

Eliminate any bond against the gas tax since it will reduce the State Transportation Improvement Program (STIP) share to San Mateo County.

SELF HELP COUNTIES

Special consideration to be granted for Self Help Counties in the eventual process.

C/CAG AGENDA REPORT

Date: February 9, 2006

To: City/County Association of Governments Legislative Committee

From: Richard Napier, C/CAG Executive Director

Subject: SEXUAL PREDATOR LEGISLATION

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee review the enclosed information on legislation related to sexual predators and determine what recommendation (if any) should be made to the full C/CAG Board.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

At the last Legislative Committee and Full C/CAG Board meetings, staff was requested to research current State Legislation dealing with Sexual Predators of Minors and particularly those bills dealing with residence reporting and notification to the community. Although this may not be an item that fits in with C/CAG's adopted legislative priorities, the Legislative Committee may want to consider recommending that these bills be referred to the C/CAG member jurisdictions for further review and possible positions.

ATTACHMENTS

- Report on current sexual predator bills. The status of each bill is included under the heading of "Priority Mis c2."

F:\USERS\CCAG\WPDATA\Legislative Committee\Bills\2006\Sexual predator bills - 02-09.doc

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

AB 33 **(Runner, Sharon) Contact with minor.** C - 10/04/2005

Status:

10/04/2005 - ASM CHAPTERED Chaptered by the Secretary of State, Chapter Number 461

Calendar:

Summary:

Existing law provides that it is a crime for an adult stranger to contact or communicate with a minor, 12 years of age or younger, who the adult knew or should have known was 12 years of age or younger, to lure him or her away, as specified, for any purpose . Existing law provides that this crime is punishable by a fine, by imprisonment in a county jail, or by both . This bill would prohibit this conduct when engaged in with a person who is under 14 years of age. This bill would provide that this crime is punishable as an infraction or a misdemeanor, as specified . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Chaptered*	*Sexual Predator*	

AB 35 **(Spitzer) Megan's Law: sex offender information.** A - 02/24/2005

Status:

05/09/2005 - ASM 2 YEAR From committee without further action pursuant to Joint Rule 62(a).

Calendar:

Summary:

Existing law requires the Department of Justice to make specified information about certain sex offenders classified by the offense he or she committed, available to the public via an Internet Web site . Depending upon the offender's classification, the information may include a home address or community and ZIP Code . Existing law also permits certain offenders with less serious sex offense histories to apply for exclusion from the Internet Web site . This bill would eliminate the classification of offenders based upon the severity of the offense and would make home address, as well as vehicle, and employer information available for all included offenders .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

AB 50 **(Leno) Sex offenders.** A - 01/26/2006

Status:

01/26/2006 - ASM THIRD READING Read third time, passage refused. Amended pursuant to Joint Rule 23.5. Ordered returned to third reading.

Calendar:

01/30/06 186 ASM THIRD READING FILE

Summary:

Under existing law, the punishment for a person who kidnaps an individual in order to commit robbery, rape, oral copulation, sodomy, or sexual penetration is imprisonment for life with the possibility of parole . This bill would add kidnaping in order to commit lewd and lascivious acts to that provision . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

AB 437 **(Parra) Sex offenders: Megan's Law: convictions.** C - 10/07/2005

Status:

10/07/2005 - ASM CHAPTERED Chaptered by the Secretary of State, Chapter Number 721

Calendar:

Summary

Existing law requires the Department of Justice to make available information concerning certain persons who are required to register as sex offenders pursuant to specified provisions of law to the public via an Internet Web site . Existing law requires the publication of the specific crimes for which the person is required to register among the information contained on this Web site . This bill would require, in addition, that the dates of conviction of the crimes for which the person is required to register and the dates of release from incarceration for those crimes be included on the Web site, unless specified conditions regarding funding and access to that information are not met .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Chaptered*	*Sexual Predator*	

AB 438 **(Parra) Sex offenders.** A - 04/13/2005

Status:

01/10/2006 - ASM APPR. In committee: Set, final hearing. Failed passage.

Calendar:

Summary

Existing law provides that the Department of Justice shall make available information concerning specified registered sex offenders to the public via an Internet Web site . Existing law provides, with respect to certain sex offenders, that the address at which the person resides shall be made available . Existing law requires that every lease or rental agreement for residential real property and every contract for sale of residential real property, as specified, contain a notice that this information is maintained by law enforcement authorities . This bill would provide that based upon the information made available to the public via the department Web site, a lessor of residential real property may refuse to provide housing to, or evict, a sex offender whose residence address is made available on the Web site . This bill would also provide that a lessor may inform other residents of that residential real property that a person whose residence address is made available on the Internet Web site also resides in the residential real property . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

AB 632 **(Chu) Sex Offender Management Board.** V - 10/04/2005

Status:

10/04/2005 - ASM VETOED Vetoed by the Governor

Calendar:

01/30/06 75 ASM GOVERNOR'S VETOES

Summary

Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified . Violations of certain of the registration requirements are crimes, as specified . This bill would state legislative findings and declarations with respect to the size of, and the need to prevent recidivism within, the registered sex offender population in California . This bill would also state legislative intent to establish a board responsible for overseeing the management of sex offenders and providing expert information in various capacities, which it may task with investigating specified issues and making recommendations, as specified . This bill contains other related provisions .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Vetoed*	*Sexual Predator*	

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

AB 807 **(La Suer) Sex offenses: minors.** A - 03/29/2005

Status:

05/09/2005 - ASM 2 YEAR From committee without further action pursuant to Joint Rule 62(a).

Calendar:

Summary

Existing law requires the Department of Justice, on or before July 1, 2005, to make specified information about certain sex offenders available to the public via an Internet Web site, including a photograph, physical description, and criminal history, and to update that information on an ongoing basis . This information also includes the home address of specified offenders and the community of residence and ZIP Code of others . Existing law also provides that certain offenders with less serious sexual offense histories, as specified, may apply to the Department of Justice for exclusion from the Internet Web site . This bill would add persons who have been convicted of spousal rape accomplished by use of force or violence to the list of offenders whose home addresses are to be made available on the Internet Web site . This bill would also add persons convicted of incest, various offenses involving obscene matter depicting a minor or matter depicting a minor engaging in or simulating sexual conduct, sexual exploitation of a child, and indecent exposure to the list of offenders whose communities of residence and ZIP Codes will be made available on the Internet Web site .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

AB 893 **(Horton, Shirley) Sex offenders: community placement.** C - 09/02/2005

Status:

09/02/2005 - ASM CHAPTERED Chaptered by Secretary of State - Chapter No. 162, Statutes of 2005

Calendar:

Summary

Existing law provides that if the Director of Mental Health determines that a sexually violent predator's diagnosed mental disorder has so changed that the person is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director shall forward a report and recommendation for conditional release. This bill would, in addition, require that when a placement location is proposed for a sexually violent predator in the conditional release program, consideration shall be given to the age and profile, as defined, of the offender's victim . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Chaptered*	*Sexual Predator*	

AB 1151 **(La Suer) Sex offenders.** I - 02/22/2005

Status:

02/23/2005 - ASM 2 YEAR From printer. May be heard in committee March 25.

Calendar:

Summary

Existing law requires the Department of Justice to make specified information about certain sex offenders available to the public via an Internet Web site and to update that information on an ongoing basis, as specified . This bill would make a technical, nonsubstantive change to these provisions .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Active*	*Sexual Predator*	

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

AB 1323 (Vargas) Registered sex offenders. C - 10/07/2005

Status:

10/07/2005 - ASM CHAPTERED Chaptered by the Secretary of State, Chapter Number 722

Calendar:

Summary

Pursuant to existing law, information about registered sex offenders is made available by the Department of Justice via an Internet Web site . This bill would make conforming changes in provisions of law regarding notices to be included in lease or rental agreements, or contracts for sale of residential real property, and required disclosures of an operator of a community care facility that accepts a registered sex offender as a client, as specified . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Chaptered*	*Sexual Predator*	

AB 1484 (Wyland) Sexually violent predators: definition. I - 02/22/2005

Status:

05/09/2005 - ASM 2 YEAR From committee without further action pursuant to Joint Rule 62(a).

Calendar:

Summary

Existing law provides for a civil commitment for an inmate determined to be a sexually violent predator . Existing law defines a "sexually violent predator " as a person who has been convicted of a sexually violent offense against 2 or more victims, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior . This bill would, when the victim is less than 14 years of age, reduce to one conviction the minimum number of convictions required to meet this element of the definition of sexually violent predator .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Active*	*Sexual Predator*	

AB 1504 (La Suer) Vehicles: driver's licenses: issuance and renewal: registered sex offenders. A - 05/02/2005

Status:

05/25/2005 - ASM 2 YEAR In committee: Set, second hearing. Held under submission.

Calendar:

Summary

Existing law provides that the expiration date for an original driver's license or a driver's license renewal is the 5th birthday of the applicant following the date of the application for the license . This bill would prohibit the Department of Motor Vehicles from issuing an original driver's license or driver's license renewal to a person required to be registered as a sex offender unless the driver' s license or license renewal is for a term of one year . This bill, in addition to any other requirement for a driver's license or license renewal, would require the applicant to provide the department a verification of the applicant's address in a form as may be required by the department, and allow the department to photograph and fingerprint or thumbprint the applicant . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Active*	*Sexual Predator*	

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

AB 1683 **(Horton, Shirley) Sex offenders.** A - 06/09/2005

Status:

06/14/2005 - SEN 2 YEAR In committee: Set, second hearing. Hearing canceled at the request of author.

Calendar:

Summary

Existing law requires the Director of Corrections, prior to the release of a person from custody convicted of certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation . The law authorizes civil commitment for a 2-year term, as a sexually violent predator, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged . This bill would require the department to provide the court with a copy of the written terms and conditions of outpatient treatment signed by the patient and a copy of the written contract entered into with any public or private person or entity to monitor or supervise the patient's outpatient placement and treatment program . The bill would, except for confidential medical and treatment information, require the department to provide copies of the agreement to prescribed local officials . This bill contains other related provisions and other existing laws .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

AB 1791 **(Bermudez) Parole: sex offender domicile restrictions.** I - 01/05/2006

Status:

01/23/2006 - ASM PUB. S. Referred to Com. on PUB. S.

Calendar:

Summary

Existing law provides that an inmate who is released on parole for specified sex offenses involving minors shall not be placed or reside, for the duration of his or her period of parole, within one -quarter mile of any public or private school including any or all of kindergarten and grades 1 to 8, inclusive . This bill would expand the scope of the prohibition to include any or all kindergarten and grades 1 to 12.

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

AB 1849 **(Leslie) Sex offenders.** I - 01/12/2006

Status:

01/26/2006 - ASM PUB. S. Referred to Com. on PUB. S.

Calendar:

Summary

Existing law requires the Department of Justice to make information concerning certain persons who are required to register as sex offenders available to the public via an Internet Web site, including the offender's criminal history . This bill would also require that the date of the commission of the offender's last sexual offense be posted on the Internet Web site .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

AB 1900 **(Lieu) Sex offenders: registration.** I - 01/25/2006

Status:

01/26/2006 - ASM PRINT From printer. May be heard in committee February 25.

Calendar:

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

Summary

Existing law requires that persons convicted of certain sex -related offenses register with designated local officials in the county of their residence upon release from custody . This bill would add murder committed in the perpetration or attempted perpetration of specified sex -crimes to the list of offenses that requires registration . This bill would also add conspiracy to commit or aiding and abetting the commission of any of the listed offenses . This bill contains other related provisions and other existing laws .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

AB 1913 **(Garcia) Transient Sex offenders: tracking devices.** I - 01/26/2006

Status:

01/26/2006 - ASM PRINT Read first time. To print.

Calendar:

Summary

Existing law authorizes the parole authority to require a parolee to be monitored by an electronic monitoring device under certain conditions . This bill would require every person who is required to register as a sex offender who is a transient, as defined, to be outfitted with a global positioning satellite tracking device for as long as the person is a transient.

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

SB 34 **(Florez) Sex offenders.** A - 06/01/2005

Status:

06/09/2005 - SEN RLS. Withdrawn from committee. Re-referred to Com. on RLS.

Calendar:

Summary

Existing law requires the Department of Justice to make information concerning persons who are required to register as sex offenders available to the public via an Internet Web site, as specified . Existing law also provides that persons who have been convicted of sexual battery, or annoying or molesting a child under 18 years of age, or who have successfully completed probation after having been convicted of any of certain specified sex offenses, may apply to the department for exclusion from the Internet Web site if he or she has not been convicted of any other offense that would otherwise require that information about him or her be posted on the Internet Web site . This bill would remove provisions that allow these offenders to apply for exclusion from the Internet Web site . This bill contains other related provisions .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Active*	*Sexual Predator*	

SB 43 **(Battin) Megan's Law: applicable offenses.** A - 06/22/2005

Status:

07/01/2005 - ASM 2 YEAR Returned to Chief Clerk pursuant to Joint Rule 62(a).

Calendar:

Summary

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

Existing law requires the Department of Justice, on or before July 1, 2005, to make specified information about certain sex offenders available to the public via an Internet Web site, including a photograph, physical description, and criminal history, and to update that information on an ongoing basis . This information also includes the home address of specified offenders and the community of residence and ZIP Code of others . Existing law also provides that certain offenders with less serious sexual offense histories, as specified, may apply to the Department of Justice for exclusion from the Internet Web site . This bill would add persons who have been convicted of various felony offenses involving obscene matter depicting a minor or matter depicting a minor engaging in or simulating sexual conduct and sexual exploitation of a child, unless the registrant applies to the department for exclusion from the Internet Web site and submits a probation report that states that all victims involved in the commission of the offense were at least 16 years of age at the time of the commission of the offense , to the list of offenders whose communities of residence and ZIP Codes will be made available on the Internet Web site .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

SB 261 **(Speier) Sex offenders: statute of limitations.** A - 03/29/2005

Status:

01/19/2006 - SEN APPR. SUSPENSE FILE Set, second hearing. Held in committee and under submission.

Calendar:

Summary

Existing law provides that the prosecution of an offense punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, or for the embezzlement of public money, may be commenced at any time . This bill would add specified sex offenses, including rape, sodomy, lewd or lascivious acts, oral copulation, continuous sexual abuse of a child, forcible acts of sexual penetration, and flight of a sex offender to avoid prosecution, to the list of crimes for which there is no statute of limitation for prosecution . The bill would make conforming changes to related provisions .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Active*	*Sexual Predator*	

SB 277 **(Battin) Sex offenders.** A - 06/13/2005

Status:

07/01/2005 - ASM 2 YEAR Returned to Chief Clerk pursuant to Joint Rule 62(a).

Calendar:

Summary

Existing law requires an inmate who is released on parole be subject to certain policies and procedures when determining where he or she shall be placed and what information shall be provided to local authorities, as specified . Existing law prohibits the placement of parolees convicted of lewd or lascivious acts on a child or continuous sexual abuse of a child within 1/4 mile of a school . This bill would prohibit the placement of any parolee who upon release must register as a sex offender, within 1 1/2 miles of any park, day care, or public or private school including grades kindergarten to 12, inclusive . This bill contains other related provisions and other existing laws.

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

SB 460 **(Margett) Offender access to personal information.** C - 09/22/2005

Status:

09/22/2005 - SEN CHAPTERED Chaptered by Secretary of State - Chapter No. 259, Statutes of 2005

Calendar:

Summary

Existing law prohibits offenders who are confined in county facilities, or the Department of Corrections and Rehabilitation for specified offenses, from performing work that would give them access to the personal information of private persons, as specified . This bill would preclude any offender confined in a county facility, or the Department of Corrections and Rehabilitation from gaining access to personal information, as specified . This bill contains other related provisions and other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Chaptered*	*Sexual Predator*	

SB 544 **(Battin) Sex offenders: custody and visitation.** A - 01/04/2006

Status:

01/17/2006 - SEN JUD. Set second hearing. Testimony taken. Hearing canceled at the request of the author.

Calendar:

Summary

Existing law requires a person convicted of certain sex offenses to register with the local law enforcement officer of the city or county where he or she resides or is located, as specified . This bill would delete that exception to the general prohibition against granting custody or visitation with respect to a child who is less than 14 years of age . This bill contains other existing laws .

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Active*	*Sexual Predator*	

SB 588 **(Runner) The Sexual Predator Punishment and Control Act: Jessica's Law.** A - 08/18/2005

Status:

01/10/2006 - SEN PUB. S. Set, first hearing. Failed passage in committee. (Ayes 2. Noes 5. Page 2928.)

Calendar:

Summary

Under existing law, the punishment for kidnapping with the intent to commit any of several specified sexual acts is imprisonment in the state prison for life with the possibility of parole . This bill, to be known as the Sexual Predator Punishment and Control Act : Jessica's Law, would add rape committed in concert and committing lewd and lascivious acts to the above specified sexual acts . This bill contains other related provisions and other existing laws.

Organization Office	Assigned Suboffice	Position Misc1	Priority Misc2	Subject	Groups
C/CAG			*Failed in Committee*	*Sexual Predator*	

SB 865 **(Poochigian) Sexually violent predators.** A - 04/12/2005

Status:

04/26/2005 - SEN 2 YEAR Set, second hearing. Hearing canceled at the request of author.

Calendar:

Summary

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

Existing law requires the Director of Corrections, prior to the release of a person from custody resulting from conviction for certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation . Existing law authorizes commitment of a person as a sexually violent predator, if the person has been convicted of prescribed sexually violent offenses, has been diagnosed with a mental disorder, and has been adjudged to be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior . The law defines "sexually violent offense " for this purpose . This bill would revise the list of qualifying crimes within the definition of "sexually violent offense, " including, but not limited to, engaging in 3 or more acts of substantial sexual conduct with a child under the age of 14 years by a person who either resides in the same home with the minor child or has recurring access to the child , and certain offenses for which the person was committed to the Department of the Youth Authority .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Failed in Committee*	*Sexual Predator*	

SB 1044 (Hollingsworth) Sex offenders. A - 01/05/2006

Status:

01/10/2006 - SEN PUB. S. Set, first hearing. Failed passage in committee. (Ayes 2. Noes 5. Page 2929.)

Calendar:

Summary:

Existing law makes it an offense for any person to kidnap or carry away any individual for the purpose of committing any of a list of certain crimes . This bill would add to list of crimes, certain sex offenses committed in concert, lewd and lascivious acts, as specified, and acts of sexual penetration, as specified . This bill contains other related provisions and other existing laws .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Failed in Committee*	*Sexual Predator*	

SB 1045 (Hollingsworth) Sex offender registration. A - 01/05/2006

Status:

01/11/2006 - SEN SENATE Returned to Secretary of Senate pursuant to Joint Rule 62(a).

Calendar:

Summary:

Existing law requires every person convicted of a sex offense, as specified, to register with the local law enforcement agency that has jurisdiction over the area in which the person resides . This bill would clarify that local law enforcement agencies are not required to have more than one registration site to serve the areas over which they have jurisdiction .

Organization	Assigned	Position	Priority	Subject	Groups
Office	Suboffice	Misc1	Misc2		
C/CAG			*Failed in Committee*	*Sexual Predator*	

SB 1074 (Hollingsworth) Parole: Global Positioning System device. A - 01/05/2006

Status:

01/11/2006 - SEN SENATE Returned to Secretary of Senate pursuant to Joint Rule 62(a).

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY MEASURE

Sexual Predator Bills

Existing law provides for varying terms of parole, including terms not exceeding 3 years or 5 years, as specified, and subject to exceptions . This bill would provide that inmates released on parole, who have been identified as "high-risk sex offenders, " as defined in subparagraph (A) of paragraph (1) of subdivision (b) of Section 290.45, shall be monitored by a Global Positioning System device while on parole, and, thereafter, for the rest of his or her life . Further the Department of Corrections would be required to maintain the G .P.S. records of each parolee's whereabouts and upon the request of local law enforcement, provide information about a parolee's movements to compare with incidents of sex offenses reported to local law enforcement agencies .

Organization	Assigned	Position	Priority	Subject	Groups
Office	**Suboffice**	**Misc1**	**Misc2**		
C/CAG			*Failed in Committee*	*Sexual Predator*	

C/CAG AGENDA REPORT

Date: February 9, 2006

To: City/County Association of Governments Legislative Committee

From: Richard Napier, C/CAG Executive Director

Subject: ALL MAIL BALLOT FOR THE JUNE 2006 GUBERNATORIAL PRIMARY

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee review the enclosed request from Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder for San Mateo County, to support urgency State legislation to grant all counties in California the option to hold the June 2006 Gubernatorial Primary by all mail ballot.

FISCAL IMPACT

None directly to C/CAG. Potential financial impact to the County and individual Cities.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

The City of San Carlos has requested that the C/CAG Legislative Committee review a request by Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder for San Mateo County, to support urgency State legislation to grant all counties in California the option to hold the June 2006 Gubernatorial Primary by all mail ballot. The Legislative Committee may want to recommend a position for the C/CAG Board to consider.

ATTACHMENTS

- Letter from Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder for San Mateo County.
- Various news articles related to this issue.
- Report to the Board of Supervisors from Warren Slocum.
- Press release from Warren Slocum.

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Warren Slocum

Chief Elections Officer & Assessor-County Clerk-Recorder

555 County Center
Redwood City, CA 94063
phone 650.363.4988 **fax** 650.363.1903
email wslocum@smcare.org
web www.smcare.org

January 13, 2006

Mr. Barry Nagel
City Manager
City of South San Francisco
400 Grand Avenue
South San Francisco, CA 94080

Dear Mr. Nagel:

I am writing to ask for your support for urgency state legislation to grant all counties in California the option to hold the June 2006 Gubernatorial Primary by all mail ballot.

Many counties, including San Mateo County, are in the predicament of purchasing an entire system replacement for voting to meet the terms of the federal Help America Vote Act (HAVA) that says that all voters will have the right to cast a secret and independent vote. This legislation is designed specifically to support the rights of voters with disabilities and we are in full support of this idea.

To his credit, the Secretary of State has said that he will not rush the certification process and jeopardize the integrity of elections for voters of California. However this diligence in the certification process has created delays—delays at the very time election officials in California need time to achieve election integrity on a local basis. That's why I'm going before the San Mateo County Board of Supervisors on January 24th to seek support for urgency state legislation that would give California counties the option to conduct an all mail election for the 2006 June Primary.

Please know that if we can take possession of the new voting system by March 10th, we'll move forward in the traditional way. If not, this legislation would provide counties with a safeguard in the event that certification delays prevent the delivery of new equipment in a timely manner. This is a reasonable and responsible course to take.

As the Chief Elections Officer for San Mateo County, I need your help to send a message to our leaders in Sacramento. The Board of Supervisors will hear the request on January 24th. If you agree, please send your letters of support to me –

Warren Slocum
Chief Elections Officer
County of San Mateo
555 County Center, 3rd Floor
Redwood City, CA 94063

or email them to me at: wslocum@smcare.org

If the Board approves the request, I will include them in packets to the State Legislature. Thank you for your support and your assistance. Please call me with any questions that you may have.

Sincerely,

Warren Slocum

Enclosures: Memo to San Mateo County Board of Supervisors
Proposed Board Resolution
News articles – SF Chronicle, SMC Times, The Daily News,
The Daily Journal, Redwood City Daily News