



Agenda Date: 10/3/2006
Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Andrew Carey, Management Analyst, 253-4477
SUBJECT: Discussion and possible action concerning November 7, 2006 California general election ballot measures

RECOMMENDATION

Discussion and possible action concerning the following November 7, 2006 California general election ballot measures, which the Board may or may not take action on:

1. Proposition 1A, Transportation Investment Fund;
2. Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006;
3. Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006;
4. Proposition 1D, Kindergarten - University Public Facilities Bond Act of 2006;
5. Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006;
6. Proposition 83, Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring - Initiative Statute;
7. Proposition 84, Water Quality, Safety, and Supply; Flood Control; Natural Resource Protection; Park Improvements; Bonds - Initiative Statute;
8. Proposition 85, Waiting Period and Parental Notification Before Termination of Minor's Pregnancy - Initiative Constitutional Amendment;
9. Proposition 86, Tax on Cigarettes - Initiative Constitutional Amendment and Statute;
10. Proposition 87, Alternative Energy - Research, Production, Incentives - Tax on California Oil - Initiative Constitutional Amendment and Statute;
11. Proposition 88, Education Funding, Real Property Parcel Tax - Initiative Constitutional Amendment and Statute;
12. Proposition 89, Political Campaigns; Public Financing; Corporate Tax Increase; Contribution and Expenditure Limits - Initiative Statute; and
13. Proposition 90, Government Acquisition, Regulation of Private Property - Initiative Constitutional Amendment.

(Unanimous vote of the Board members present required)

EXECUTIVE SUMMARY

Thirteen measures have qualified for the November 7, 2006, California general election ballot. The Board of Supervisors' Legislative Subcommittee reviewed all the propositions at its meeting of August 7, 2006, and has forwarded these measures to the Board of Supervisors for consideration. The Legislative Subcommittee has recommended support for several ballot measures and opposition to one measure. However, it has not made a recommendation concerning every measure on the ballot. The Legislative Subcommittee's recommendations have been noted in the background section of this report, where each measure is briefly described.

The Board may or may not take action on any or all of the items presented for discussion. However, unlike legislation under consideration in the State Legislature and in the United States Congress, the Board is limited in the actions it may take on ballot measures placed before the voters. The Board and County staff may not expend public funds attempting to persuade the public to vote for or against any ballot measure. However, the Board may take a public position on any ballot measure without suggesting how the public should vote. Board members may also verbally express their opinions on ballot measures in a public meeting where there is the opportunity for public discussion and presentation of the pros and cons of the measures.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

There are thirteen measures that have qualified for the November 7, 2006 California general election ballot:

1. Proposition 1A, Transportation Investment Fund;
2. Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006;
3. Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006;
4. Proposition 1D, Kindergarten - University Public Facilities Bond Act of 2006;
5. Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006;
6. Proposition 83, Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring - Initiative Statute;
7. Proposition 84, Water Quality, Safety, and Supply; Flood Control; Natural Resource Protection; Park Improvements; Bonds - Initiative Statute;
8. Proposition 85, Waiting Period and Parental Notification Before Termination of Minor's Pregnancy - Initiative Constitutional Amendment;
9. Proposition 86, Tax on Cigarettes - Initiative Constitutional Amendment and Statute;
10. Proposition 87, Alternative Energy - Research, Production, Incentives - Tax on California Oil - Initiative Constitutional Amendment and Statute;
11. Proposition 88, Education Funding, Real Property Parcel Tax - Initiative Constitutional Amendment and Statute;

12. Proposition 89, Political Campaigns; Public Financing; Corporate Tax Increase; Contribution and Expenditure Limits - Initiative Statute; and
13. Proposition 90, Government Acquisition, Regulation of Private Property - Initiative Constitutional Amendment.

Summaries of these measures, which have been copied from the Secretary of State's web site and from the State's Legislative Analyst Office's (LAO) web site, are presented below. Documents containing the LAO's analysis of the individual ballot measures, the text of each ballot measure, and arguments for and against each measure, have been attached to this report for reference.

Proposition 1A, Transportation Investment Fund. This measure amends the State Constitution to further limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses can be suspended. Specifically, the measure requires Proposition 42 suspensions to be treated as loans to the General Fund that must be repaid in full, including interest, within three years of suspension. Furthermore, the measure only allows suspension to occur twice in ten consecutive fiscal years. No suspension could occur unless prior suspensions (excluding those made prior to 2007-08) have been repaid in full. (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee has recommended support for this ballot measure. The California State Association of Counties (CSAC), the Regional Council of Rural Counties (RCRC), the League of California Cities, and the Association of Bay Area Governments (ABAG) also support this measure.

Proposition 1B, Highway Safety, Traffic Reduction, Air Quality, Port Security Bond Act of 2006. This measure authorizes the state to sell about \$20 billion of general obligation bonds to fund transportation projects to relieve congestion, improve the movement of goods, improve air quality, and enhance the safety and security of the transportation system. (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee has recommended support for this ballot measure. CSAC, RCRC, the League of California Cities, and ABAG also support this measure.

Proposition 1C, Housing and Emergency Shelter Trust Fund Act of 2006. This measure authorizes the state to sell \$2.85 billion of general obligation bonds to fund 13 new and existing housing and development programs. (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee has recommended support for this ballot measure. CSAC, ABAG, and the League of California Cities have also endorsed this measure, while RCRC has taken a neutral position.

Proposition 1D, Kindergarten – University Public Education Facilities Bond Act of 2006. This measure allows the state to sell \$10.4 billion of general obligation bonds for K-12 school facilities (\$7.3 billion) and higher education facilities (\$3.1 billion). (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee did not take a position concerning this ballot measure. CSAC, ABAG, and the League of California Cities have endorsed this measure, while RCRC has not taken a position on this measure. [Some entities make a distinction between assuming a neutral position (as RCRC has on Proposition 1 C above) and taking no position on a particular ballot measure as RCRC has on this measure.]

Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006. This measure authorizes the state to sell about \$4.1 billion in general obligation bonds for various flood management programs. (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee has recommended support for this this ballot measure. CSAC, RCRC,

ABAG, and the League of California Cities have also endorsed this ballot measure.

Proposition 83, Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions and Monitoring. Initiative Statute. This proposal would increase penalties for sex offenses, require GPS devices for registered sex offenders, limit where registered sex offenders may live, and generally make more sex offenders eligible for commitment as sexually violent predators. Increases penalties for violent and habitual sex offenders and child molesters.

Proposition 83 prohibits registered sex offenders from residing within 2,000 feet of any school or park, and requires lifetime Global Positioning System monitoring of felony registered sex offenders. This measure expands the definition of a sexually violent predator, and changes the current two-year involuntary civil commitment for a sexually violent predator to an indeterminate commitment, subject to annual review by the Director of Mental Health and petition by the sexually violent predator for conditional release or unconditional discharge. (Analysis copied from the California Legislative Analyst's and the Secretary of State's web pages.)

The Board's Legislative Subcommittee has recommended support for this ballot measure. CSAC, RCRC, and ABAG have not taken positions on this measure. The League of California Cities, Governor Arnold Schwarzenegger, State Treasurer Phil Angelides, and many law enforcement organizations have endorsed this measure.

Proposition 84, Water Quality, Safety, and Supply; Flood Control; Natural Resource Protection; Park Improvements; Bonds - Initiative Statute. Authorizes \$5,388,000,000 in general obligation bonds, payable from the state's General Fund, to fund projects relating to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and conservation efforts. Provides funding for emergency drinking water, and exempts such expenditures from public contract and procurement requirements to ensure immediate action for public safety. (Analysis copied from the California Secretary of State's web page.)

The Board's Legislative Subcommittee has recommended support for this this ballot measure. ABAG and the League of California Cities have endorsed this ballot measure. RCRC has not taken a position on this measure, while CSAC has assumed a neutral position. California Senator Dianne Feinstein, Governor Arnold Schwarzenegger, State Treasurer Phil Angelides, the counties of Alameda, Humboldt, Marin, Modoc, Riverside, Siskiyou, Sonoma and Ventura, State Senator Wes Chesbro, and numerous members of the State Assembly and many environmental groups have also endorsed Proposition 84.

Proposition 85, Waiting Period and Parental Notification Before Termination of Minor's Pregnancy. Initiative Constitutional Amendment. This proposition amends the California Constitution to require, with certain exceptions, a physician (or his or her representative) to notify the parent or legal guardian of a pregnant minor at least 48 hours before performing an abortion involving that minor. (This measure does not require a physician or a minor to obtain the consent of a parent or guardian.) This measure applies only to cases involving an "unemancipated" minor. The proposition identifies an unemancipated minor as being a female under the age of 18 who has not entered into a valid marriage, is not on active duty in the armed services of the United States, and has not been declared free from her parents' or guardians' custody and control under state law. (Analysis copied from the California Legislative Analyst's web page.)

The Board's Legislative Subcommittee did not take a position concerning this ballot measure. CSAC, RCRC, ABAG and the League of California Cities have not taken positions on this ballot measure. The Catholic Church supports Proposition 85.

Proposition 86, Tax on Cigarettes. Initiative Constitutional Amendment and Statute. This measure increases excise taxes on cigarettes (and indirectly on other tobacco products) to provide funding for hospitals for emergency

services as well as programs to increase access to health insurance for children, expand nursing education, support various new and existing health and education activities, curb tobacco use and regulate tobacco sales.

Imposes additional 13 cent tax on each cigarette distributed (\$2.60 per pack), and indirectly increases tax on other tobacco products. Provides funding to qualified hospitals for emergency services, nursing education and health insurance to eligible children. Revenue also allocated to specified purposes including tobacco use prevention programs, enforcement of tobacco-related laws, and research, prevention and treatment of various conditions including cancers (breast, cervical, prostate and colorectal), heart disease, stroke, asthma and obesity. Exempts recipient hospitals from antitrust laws in certain circumstances. Revenue excluded from appropriation limits and Proposition 98 calculations. (Analysis copied from the California Legislative Analyst's and Secretary of State's web pages.)

The Board's Legislative Subcommittee did not take a position concerning this ballot measure. The League of California Cities has endorsed this ballot measure, while RCRC and ABAG have not taken positions on this measure. CSAC has assumed a neutral position.

Proposition 87, Alternative Energy. Research, Production, Incentives. Tax on California Oil. Initiative

Constitutional Amendment and Statute. Beginning in January 2007, the measure would impose a severance tax on oil production in California to generate revenues to fund \$4 billion in alternative energy programs over time. (The term "severance tax" is commonly used to describe a tax on the production of any mineral or product taken from the ground, including oil.) The measure defines "producers," who are required to pay the tax, broadly to include any person who extracts oil from the ground or water, owns or manages an oil well, or owns a royalty interest in oil.

Establishes \$4 billion program to reduce oil and gasoline usage by 25%, with research and production incentives for alternative energy, alternative energy vehicles, energy efficient technologies, and for education and training. Funded by tax of 1.5% to 6%, depending on oil price per barrel, on producers of oil extracted in California. Prohibits producers from passing tax on to consumers. Program administered by California Energy Alternatives Program Authority. Prohibits changing tax while indebtedness remains. Revenues excluded from Proposition 98 calculations and appropriation limits. (Analysis copied from the California Legislative Analyst's and the Secretary of State's web pages.)

The Board's Legislative Subcommittee did not take a position on this ballot measure. RCRC and CSAC oppose the measure, while the League of California Cities and ABAG have not taken positions on Proposition 87.

Proposition 88, Education Funding. Real Property Parcel tax. Initiative Constitutional Amendment and Statute.

This measure creates a statewide parcel tax and uses the resulting revenue to fund specific K-12 education programs. It would take effect July 1, 2007.

Provides additional public school funding for kindergarten through grade 12 by imposing a \$50 tax on each real property parcel; exempts certain elderly and disabled homeowners. Funds must be used for class size reduction, textbooks, school safety, Academic Success facility grants, and a data system to evaluate educational program effectiveness. Provides for reimbursement to government entities to offset anticipated decrease in other tax revenue. Prohibits fund use for school administrative overhead. Requires school district audits and penalties for fund misuse. Excludes funds from Proposition 98 calculations. (Analysis copied from the California Legislative Analyst's and the Secretary of State's web pages.)

The Board's Legislative Subcommittee has not taken a position on this ballot measure. RCRC, ABAG, and the League of California Cities have not taken positions on this measure, while CSAC opposes the measure.

Proposition 89, Political Campaigns. Public Financing. Corporate Tax Increase. Contribution and Expenditure

Limits. Initiative Statute. This measure makes significant changes to state laws regarding the financing of campaigns for elected state offices and state ballot measures. The measure's provisions regarding candidates for office generally affect only state elected officials.

Provides that candidates for state elective office meeting certain eligibility requirements, including collection of a specified number of \$5.00 contributions from voters, may voluntarily receive public campaign funding from the Fair Political Practices Commission, in amounts varying by elective office and type of election. Increases income tax rate on corporations and financial institutions by 0.2 percent to fund program. Imposes new limits on campaign contributions to state-office candidates and campaign committees, and new restrictions on contributions and expenditures by lobbyists and corporations. (Analysis copied from the California Legislative Analyst's and Secretary of State's web pages.)

The Board's Legislative Subcommittee did not take a position on this ballot measure. CSAC, RCRC, ABAG, and the League of California Cities have not taken positions on Proposition 89. The California Nurses Association, the League of Women Voters, California Common Cause, and State Treasurer Phil Angelides have endorsed Proposition 89. The California Teachers Association, the California Chamber of Commerce, and Governor Arnold Schwarzenegger oppose the measure.

Proposition 90, Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment. This measure requires government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to their property.

Bars state and local governments from condemning or damaging private property to promote other private projects and uses. Limits government's authority to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety. Voids unpublished eminent domain court decisions. Defines "just compensation." Government must occupy condemned property or lease property for public use. Condemned private property must be offered for resale to prior owner or owner's heir at current fair market value if government abandons condemnation's objective. Exempts certain governmental actions. (Analysis copied from the California Legislative Analyst's and Secretary of State's web pages.)

The Board's Legislative Subcommittee has recommended opposition to this ballot measure, as have CSAC, RCRC, ABAG and the League of California Cities.

SUPPORTING DOCUMENTS

- A . Proposition 1 A
- B . Proposition 1 B
- C . Proposition 1 C
- D . Proposition 1 D
- E . Proposition 1 E
- F . Proposition 83
- G . Proposition 84
- H . Proposition 85
- I . Proposition 86
- J . Proposition 87
- K . Proposition 88

L . Proposition 89

M . Proposition 90

CEO Recommendation: Approve

Reviewed By: Andrew Carey