



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: June 31, 2009
BOARD MEETING DATE: July 7, 2009
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: David S. Boesch

SUBJECT: County Manager's Report #7

A. Resolution in support of Assembly Bill 814 (Krekorian), Firearms: surrender

RECOMMENDATION:

Adopt a resolution in support of Assembly Bill 814 (Krekorian), Firearms: surrender.

VISION ALIGNMENT:

Commitment: Responsive, effective and collaborative government.

Goal(s): 20 – Effectively communicate, collaborate and develop strategic approaches to issues affecting the entire County.

BACKGROUND:

Existing law makes it an offense for a person convicted of a felony, who is addicted to narcotics and for a person who is convicted of specified misdemeanors, to own, purchase, receive, have in their possession or under their custody or control any firearm. Existing law requires the Department of Justice (DOJ) to establish and maintain the Prohibited Armed Persons File, an online database for cross-referencing persons who fall within the class of persons prohibited from owning or possessing a gun.

DISCUSSION:

Assembly Bill 814 (Krekorian) would establish a procedure for a defendant who owns, possesses, or has custody or control of a firearm to sell that firearm to a firearms dealer or relinquish to a law enforcement agency when the defendant has been convicted of a specified offense and prohibited from owning a firearm.

The proposed legislation would require the defendant to name a designee and grant them power of attorney for the purpose of transferring or disposing of any firearm, including naming a consenting law enforcement agency as their designee. It would require the court to provide the Prohibited Person Relinquishment (PPR) form developed by the DOJ instructing a convicted person that they are prohibited from owning, purchasing, receiving, possessing, or having under their custody or control any gun, and that they shall relinquish all guns through a designee. It would require the defendant to declare whether they owned or possessed any guns at the time judgment was imposed, including circumstances describing any guns that may have been stolen, and to submit information to the arresting law agency and DOJ.

The measure would specify the procedures for a person not in custody after conviction, including that the offender's designee must dispose of any gun the offender owns or possesses, within five days of conviction. The legislation would specify procedures for person in custody after conviction, including that the offender must dispose of any gun the offender owns or possesses within 14 days of the conviction. Failure to timely file the completed form with the arresting law enforcement agency, except a law enforcement agency designee, would be punishable by fine not to exceed \$500.

FISCAL IMPACT:

Unknown. Potential state-reimbursable annual costs to local law enforcement agencies to review and process forms as specified.

B. Resolution in support of Assembly Bill 962 (de Leon), Ammunition

RECOMMENDATION:

Adopt a resolution in support of Assembly Bill 962 (de Leon), Ammunition.

BACKGROUND:

Existing law requires the Department of Justice (DOJ) to maintain records pertaining to firearm transactions, regulate the sale of ammunition and regulate what information is required to be obtained in connection with the transfer of ammunition.

DISCUSSION:

Assembly Bill 962 (de Leon) would establish a handgun ammunition licensing requirement and process. Beginning July 2010, any person who sells or transfers more than 50 rounds of handgun ammunition in any month must be licensed as a handgun ammunition vendor by the DOJ. Other provisions of the proposed legislation include: requiring the DOJ maintain a centralized registry of all vendors; authorizing the DOJ to charge license applicants a \$50 fee to cover the cost of administering the program; and requiring information contained in the centralized registry of handgun ammunition vendors to be available to law enforcement.

Under the proposal, DOJ would be required to permanently revoke the license of a vendor that violates provisions relating to the sale or transfer of ammunition three times. Starting July 2010, the proposed law would require that handgun ammunition sales

occur only in a face-to-face transaction, effectively prohibiting internet and mail order ammunition sales. A violation would be a misdemeanor. Vendors would be required to record the sale of ammunition on a prescribed DOJ form and for those records to be maintained on the vendor premises for at least five years. The legislation would ban the sale of ammunition to a person currently prohibited by law from possessing ammunition or a gun and adds to the prohibited class any person subject to an injunction for being a member of a criminal street gang.

FISCAL IMPACT:

The DOJ estimates the first-year start-up costs of \$500,000 increasing to more than \$2 million in 2010-11 and \$1 million in 2011-12. It is expected that these costs will eventually be covered by the \$50 fee.

C. Resolution in support of Senate Bill 488 (Pavley), Energy: energy usage information

RECOMMENDATION:

Adopt a resolution in support of Senate Bill 488 (Pavley), Energy: energy usage information.

BACKGROUND:

Current law requires each electrical and gas corporation to disclose on the residential customer's billing statement specified information on usage, cost, and contact information for the Consumer Affairs Branch of the Public Utilities Commission (PUC), and to make available online to residential customers specified information on usage and energy conservation measures. Existing law also requires the PUC, as part of the general rate case of an electrical corporation or gas corporation, to assess opportunities to improve the quality of information contained in the utility's periodic billing.

DISCUSSION

Senate Bill 488 would require each electrical and gas corporation, and publicly owned electric and gas utility to adopt a pilot program to disclose, on a quarterly basis, on the billing statement of a residential subscriber, information documenting the amount of energy used by the metered residence compared to similar residences in the subscriber's geographical area. It would require each of these corporations and each publicly owned electric utilities to identify those residences that used significantly more energy during the period than was used by similar residences with comparable household square footage in the subscriber's geographical area. The utility would also be required to provide those heavy users with information on energy savings strategies and programs available to assist in financing energy efficiency improvements.

Academic studies suggest that high energy using customers reduce their energy use when they are presented information comparing their usage to that of their neighbors. A number of utilities, such as the Sacramento Municipal Utility District and Southern California Edison, are already running pilot programs that provide customers with comparative usage information and enjoying considerable success.

FISCAL IMPACT:

Cost of program set up will be passed on to residential rate payers of electrical and gas corporations.

**D. Resolution in support of Assembly Constitutional Amendment 9 (Huffman),
Local government bonds: special taxes: voter approval**

RECOMMENDATION:

Adopt a resolution in support of Assembly Constitutional Amendment 9 (Huffman), Local government bonds: special taxes: voter approval.

BACKGROUND:

Existing law authorizes cities, counties, and special districts to impose a general tax for general governmental purposes with the approval of a majority of the voters and to impose a special tax for specified purposes with the approval of two-thirds of the voters. Current law authorizes school districts, community college districts, or county offices of education to incur school bonded indebtedness with the approval of 55 percent of the voters voting in favor of the measure, requires that bond proceeds only be used for purposes specified in the Constitution, and requires an audit to ensure that the funds have been expended only on the specific projects listed.

DISCUSSION:

Assembly Constitutional Amendment 9 (Huffman) would make changes to the voting requirements contained in the California Constitution for special taxes and bonded indebtedness for local governments. This bill would allow for a city or county to incur indebtedness in the form of general obligation (GO) bonds to be adopted by 55 percent of the voters of the city or county where GO bonds fund the construction, reconstruction, rehabilitation, or replacement of public improvements, and the acquisition or lease of real property for the public improvements, facilities or buildings, and housing.

Eligible projects would include: public improvements to transportation infrastructure; streets, highways, sewer systems, water systems, wastewater systems, park and recreation facilities, facilities or buildings used exclusively to provide sheriff, police or fire protection services to the public, and development of housing affordable to lower and moderate-income households. The proposed legislation would require that the proceeds from the sale of the bonds be used only for the specified purposes.

Local government would be required to conduct annual, independent performance and financial audits and a public outreach process that solicits a wide range of public comments from the community about the type of facilities that should be funded with the bond. This measure revises requirements in Article XIII of the California Constitution to allow an agency to assess a special tax approved by the voters of the city or county or special district.

FISCAL IMPACT:

Potential savings to local governments.

E. Resolution Endorsing NACO's Health Reform Principles and Urging Immediate Passage of Comprehensive Federal Health Reform Legislation—Attached

RECOMMENDATION:

Adopt a resolution in support of endorsing NACO's Health Reform Principles and urging immediate passage of comprehensive federal health reform legislation.

BACKGROUND:

Health care reform is on the Federal legislative agenda. Congress and President Obama have established an ambitious schedule for consideration of health care reform legislation this year. The White House is developing a health care reform bill, but has not released legislative text. Both the House and Senate are working on versions of health care reform legislation. The goal is to have both chambers pass their versions by the end of summer, work out their differences in the fall and have a bill on the President's desk by the end of the year.

DISCUSSION:

The National Association of Counties (NACO) is preparing for the health care reform debate. Under the leadership of President Elect Valerie Brown, NACO's Health System Reform Working Group, held three regional hearings to give county officials from around the country the opportunity to share their concerns. The group has summarized its conclusions in the White Paper titled, "Restoring the Partnership for American Health: Counties in a 21st Century Health System," which was approved by the Health Steering Committee and Board of Directors at the Legislative Conference in March. NACO has shared these principles with officials in the White House and the Department of Health and Human Services as well as with each member of the House and Senate.

FISCAL IMPACT:

Potentially very significant.